United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 110th CONGRESS, SECOND SESSION

Vol. 154 WASHINGTON, TUESDAY, JUNE 3, 2008 No. 90

Senate

The Senate met at 10 a.m. and was called to order by the Honorable JON TESTER, a Senator from the State of Montana.

PRAYER

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

Let us pray:

Gracious God, by Your providence we have been given the gift of this day, and from Your hand our needs are supplied.

Give our lawmakers a reference for Your sovereignty and a faith in Your unfolding providence. May their trust in Your guidance lead them to labor for Your honor. May their first aspiration be to hear You say, ''Well done.'' When they are tempted to doubt, infuse them with Your faith. When they are tempted to fear, strengthen them with Your courage. Keep them from becoming weary in choosing the more difficult right, as they remember that in due season, they will reap a bountiful harvest. We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JON TESTER led the Pledge of Allegiance as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 3, 2008.

To the Senate:

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

ROBERT C. BYRD,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, today following my remarks and those of Senator MCCONNELL, there will be a period of morning business until 11 a.m., or when the hour is gone, with the time equally divided and controlled. The Republicans will control the first half—I see Senator CORNYN, ready to begin—the majority will control the second half of morning business. Then we will resume consideration of the motion to proceed to S. 3036, the Climate Security Act. The Senate will recess at 12:30, as we do every Tuesday, for our weekly caucus luncheons, and will reconvene following the official Senate photograph which is scheduled for today at 2:15.

I hope all Senators will make themselves available for the photograph. It takes weeks for the staff to set up to take these pictures. If you look around, you can see in the galleries the lighting. It is very difficult to get the lighting down here to take all 100 Senators. So I hope everyone will be here at 2:15 and be thoughtful and considerate to their colleagues so the staff can get the picture taken as quickly as possible.

FILIBUSTERS

Mr. REID. Mr. President, yesterday there was a vote, as we all knew there would be—an overwhelming vote—to proceed to legislation to stem the tide of global warming. This strong bipartisan vote came only after the Republicans forced us to file cloture and use more of the Senate's valuable time. Another filibuster. This is, as I have said before, filibusters on steroids. We have never, ever, in the history of our great country, had as many filibusters as this Republican minority has initiated. In a short 10 months, the 2-year record for filibusters was broken by this Republican minority. They have stopped or slowed down everything they could. They have even forced us to file cloture on things they agree on. Why? Because it eats up valuable time.

We now have 12 weeks left until our adjournment time. There is so much to do—so much to do. We are interested in doing the people's business. The Republicans are interested in stalling—stalling. As an example, today we should be on this piece of legislation, but, no, they are going to do as they have done time and time again: use 30 hours.

For everyone listening, what does this mean? The rules of the Senate are that once you file cloture—first of all, it takes a couple days to file cloture. You have to let it wait for a couple days. Now, why would they make us file cloture on this bill? It is bipartisan; it is sponsored by Senator WARNER and Senator LIEBERMAN, but they have done this. So after we file cloture, we come in and we have a vote. Remember, we waste those days while cloture is ripening. Then, to make it even more absurd, the rule is that after cloture is invoked, you have 30 hours. They make us use that 30 hours. It is wasted time. There is no reason we can't be on this bill.

I spoke to one of the Republican leaders yesterday, and he said: Well, we want more time to debate the bill. No one is taking any debate time away from anybody. But shouldn't we be on the bill? So I say time runs out tonight, shortly before midnight, on the 30 hours. In the morning, we are going

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

Printed on recycled paper.

to be on this bill. That means we are going to have to stay in until midnight tonight. That is up to the Republicans. That is up to the minority. But we are going to start legislating on this bill tomorrow morning. As everyone knows, the rules around here allow me to have the right of recognition, first recognition. We are going to start legislating in the morning.

I am happy if there is a need for more debate on the bill. This is an important bill. We should have all the debate; people should be able to make their statements. I am not trying to disallow anyone from making their statement, but let's at least legislate, as we should in this most serious body, the greatest debating—they say—body in the world, the Senate of the United States.

This strong bipartisan vote came, as I have indicated, after Republicans forced us to file cloture and use 2 days of Senate time, as I have already outlined. It forces us to waste 2 days for a vote they overwhelmingly supported. Now, the Republicans are forcing us to burn, as I have indicated, another 30 hours of procedural time before we can begin debate. That is two filibusters and more than 3 days of valuable Senate time wasted, all for a vote that most Republicans supported. We should have been on the bill, at the very least, last night.

Why would Republicans set these roadblocks to progress? I have outlined why. They are still in a snit because the American people surprised everyone and we are in the majority. It is a slim majority, but we are in the majority. We believe the people's business should be the issue at hand.

I have said many times Republicans have every right to vigorously debate and oppose legislation on which they have disagreements. That is how the legislative process is supposed to work. The majority introduces a bill, the two sides engage in debate and, in many cases, some type of compromise is reached. Legislation is the art of compromise. Then a vote is taken and whoever has the most votes—then we have a winner and a loser. But most of the time, if you are moving forward, there are only winners, there are no losers.

The Republicans have every opportunity to debate this bill in public and negotiate it in private. That is what we would like to do. If there is some way they think this can be compromised, condensed, made bigger, we are willing to work with them. This is a bipartisan bill. It is their legislative right and obligation—I understand that—to convince Senators who are in disagreement to join with them. But the unprecedented Republican filibustering we have seen renders the legislative process difficult—difficult. Seventy-two times, and add to this almost every time we have had to do 30 hours—sometimes twice.

So I think the American people are clearly seeing the picture. The picture is the Republicans are wanting to maintain the status quo. They are treading water until President Bush leaves. The good news for the American people is there are only 7 months of that left. I think it is clear what has happened. You see in Louisiana, you see in Mississippi, you see in Illinois, three heavily Republican House seats went Democratic. Why? Because the American people see what is going on, just as they see that global warming is here. The American people aren't going to get lost in cap and trade. What they are concerned about is emissions, lowering emissions. They know it is a problem. They know what is going on in Congress is a problem. That is why we have seen these special elections go overwhelmingly Democratic in places where the Republicans always used to win.

On this legislation, I say to my friends, let's debate the legislation, let's try to work to pass it. Let's try to move forward on it. Stop running out the clock. Engage in the legislative process so we can continue to work toward making the American dream affordable for our country's struggling families once again.

The price of gasoline during the 7 years and 5 months President Bush has been President has gone up 250 percent—250 percent. In Nevada, you can still find a place to buy gas for less than $4 a gallon, but it is not easy. One of my friends I went to high school with called me—Teddy Sandoval, a wonderful guy. I have known him my whole life. He called me. I thought he was having some personal problem, and he was. Do you know what it was? He said: HARRY, I bought a diesel truck because diesel fuel was so low, and now I can't afford to fill it anymore because diesel has gone way up.

Diesel. I saw over the holiday we just had, the week off we had, in California and Nevada diesel fuel was as much as $4.50 a gallon. My friend told me he had been in New York, and it was $5.15 a gallon for diesel fuel.

So I plead with my Republican friends: Let us move forward on this legislation. I have said I don't want to use this term ''fill the tree,'' but we have to have some recognition from the Republicans that we are going to legislate seriously. Do you remember what happened last time when we said let's have an open amendment process? There was a rush to the floor to try to help JOHN MCCAIN on the flawed piece of legislation he had. Thinking the GI bill of rights is too generous—too generous—they rushed to the floor to support JOHN MCCAIN's flawed GI bill of rights. Now, fortunately, Democrats and Republicans saw it was flawed. It took a lot of procedural time. The Republicans, which was never done—never done previously, rarely done previously—would come with a piece of their legislation and file cloture. That was a prerogative that was left to the majority. That was the way it was around here.

So unless we have some agreement that we are going to legislate appropriately on this bill, then I think we are going to have to step back and see what we can do because it will appear very clearly that the Republicans are not at least willing to engage in that regard and that they are not willing to engage in serious legislation.

There have been 72 Republican filibusters, and we are going up, not down. That is not good for the country. It is not good for the Senate. I don't think it is good for my Republican colleagues.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business until 11 a.m., with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half of the time.

The ACTING PRESIDENT pro tempore. The Senator from Texas is recognized.

ORDER OF PROCEDURE

Mr. CORNYN. Mr. President, I ask unanimous consent that our 30 minutes be allotted so that there is 15 minutes for me and 15 minutes for the Senator from Ohio following my remarks.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. REID. What is the request, Mr. President?

Mr. CORNYN. Mr. President, I will restate it. Of the 30 minutes of time for the minority, I asked that it be divided between the Senator from Ohio and me.

Mr. REID. So it is my understanding that the Senator from Texas wants an hour of morning business.

Mr. CORNYN. No, sir.

Mr. REID. So it will be 30 minutes for the Democrats and 30 for the Republicans.

Mr. CORNYN. Yes, with our 30 minutes being equally divided between the Senator from Ohio and myself.

Mr. REID. I have no objection.

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

CLIMATE CHANGE

Mr. CORNYN. Mr. President, I heard the distinguished majority leader criticize the Republicans for wanting to have a debate on this piece of legislation. Frankly, I think we would be remiss in our duties if we didn't discuss this important piece of legislation, as complex and difficult a topic as it is and, frankly, ask questions that I know our constituents would ask of us were

we to vote for or against this particular legislation.

I, for one, make no apologies for doing what I consider to be my duty, and I think all of us would do well to ask questions about this legislation, which proposes a $6.7 trillion pricetag—that is trillion; not billion, not million but trillion, $6.7 trillion.

We talk about what Congress has been doing. Let me mention what Congress has not been doing and what the Senate has not been doing.

It has been 109 days since the Foreign Intelligence Surveillance Act was not reauthorized, which has hampered our ability to listen in on terrorist-to-terrorist communications.

We have spent 560 days since American businesses and farmers have been disadvantaged by not taking up the Colombia Free Trade Agreement. For my State alone, it is roughly $2.3 billion a year. But my producers, farmers, and manufacturers are disadvantaged by tariffs on those goods when they are imported into Colombia, even though Colombian goods bear zero tariffs coming into the United States. We ought to fix that.

So it has been 560 days since that condition has existed. It has been 705 days since some judicial nominees have been waiting for a vote. It has been 771 days since Speaker PELOSI went campaigning before the 2006 election and said, if elected, the Democrats would deliver a commonsense solution to the price of gasoline and the pain consumers were feeling at the pump. That was 771 days ago. Yet there has been no proposal by our friends in the majority to actually come up with a commonsense solution to help ease the pain at the pump. Instead, we have a bill which—while I don't question the motivation for the bill since we are all concerned about the environment, I do think it is important that we ask questions about a bill that carries such a high pricetag and which will have the impact of actually increasing the cost of energy—gasoline and electricity—rather than reducing it.

I must say that last week, like all the rest of my colleagues, I went back home and had a chance to visit with a number of my constituents. Of course, high gasoline prices was the No. 1 issue on their minds. Even though my State is doing relatively well compared to the rest of the country, with about a 4.1-percent unemployment rate, we have seen some softening in the housing market, but generally speaking, my State is prospering. We are grateful for that. But even people who have jobs and feel as though they are doing pretty well otherwise are still feeling their paychecks shrink as a result of rising energy costs.

I am wondering why we are now on a piece of legislation that, rather than reducing the cost of their gasoline or electricity, will actually increase it. Right now, the average price of a gallon of gasoline across the country is right at $4 per gallon.

As I talked to my constituents last week around the State, they asked me: What is Congress going to do to finally take action to lower those prices?

Well, unfortunately, I had to tell them we only got 42 votes on a provision on a bill—the Domenici amendment—which would actually have increased our use of American energy and reduced our dependency on imported oil from some of our enemies, such as Hugo Chavez from Venezuela and Ahmed Amadi Nejad from Iran, which are part of OPEC.

By our inaction in Congress, we are driving up that cost because, since 1982, we have been putting vast American reserves of energy out of bounds through a moratorium that was enacted on the Outer Continental Shelf, through our unwillingness to explore and develop oil shale in the West and our unwillingness to allow the State of Alaska to develop its own energy reserves in the Arctic National Wildlife Refuge. So it is easy for me to understand, seeing that disconnect between what my constituents are concerned about—high prices of energy, including gasoline—having to come back and debate a bill that will drive up those costs even further—it is easy to see why more and more people believe Congress is totally disconnected from reality. Congress appears to have very little relevance to the issue that concerns the American people the most, and that is the family budget.

I want to be clear about one matter though. The debate about our environment is one well worth having. Of course, we can all do better and should do better in being good stewards of the environment, conserving energy and reducing waste. Reducing dependency on foreign oil and bringing down prices at the pump are needed too. My fear is that this important issue is rapidly becoming just another tired political game.

Taking care of the environment is not a Republican versus Democrat issue. It should not be about partisan politics. Haven't we learned by now that the American people are fed up with the games in Washington and want real solutions?

Well, yesterday, the majority leader and the chairman of the Environment and Public Works Committee, Senator BOXER, were criticizing the fact that we wanted to use some of the time today to ask questions about this important legislation so that we could educate ourselves and our constituents about what is in this very complex piece of legislation. But I do have some questions I hope will be answered in this week's debate.

First of all, how much will this bill cost? I have read estimates that this bill's pricetag is somewhere in the $6.7 trillion range. I fear that if that is correct, this is simply too costly of a burden to put on the American people. This is especially true when I believe more cost-effective solutions are available. I think we should balk at any piece of legislation that carries a pricetag of $6.7 trillion. Perhaps I have not been in Congress long enough to be jaded by such talk, and I hope I never am, but I still have trouble grasping the enormity of a number like $1 trillion. Now we are talking about $6.7 trillion. People in Congress tend to toss those numbers around like it is pocket change. But this is real money coming out of the budgets of real people—the American people.

I would like to know why $6.7 trillion, and what is that money going to be spent for?

Why do we have to opt for a cost in that range when there are more cost-effective solutions available, such as tax credits for developing renewable energy, clean energy, like solar energy and wind energy? Why aren't we doing more to develop our nuclear energy capacity to create electricity, which is carbon free? Why aren't we doing that instead of spending $6.7 trillion?

I want to know what the impact of this legislation would be on our economy and on the family budget. Already we have seen—as a result of the inaction of Congress over this last 771 days, since our Democratic colleagues said they had a commonsense plan to reduce the price of gasoline at the pump—the average American family lose $1,400 in increased gasoline costs as a result of the rise in gasoline prices over that same period of time.

Now, some estimates are that Texas families—my constituents—would pay an additional $8,000 if we pass this piece of legislation. That includes, some estimates say, a 145-percent increase in electricity costs and a 147-percent increase in gasoline costs. That is at least $5.30 a gallon at a time when gasoline is $3.98 a gallon.

Is it really true the proponents of this legislation want to raise that to $5.30 a gallon? It seems to me we are going in the wrong direction, not the right direction.

At the same time, it is estimated this legislation, if passed, would actually cause more than 300,000 Texans to lose their jobs. Overall, estimates indicate this bill could cost the economy in my State—one of the States that is actually doing very well from an economic point of view—more than $50 billion in additional costs.

Mr. President, we cannot afford another wet blanket on our economy caused by higher taxes and more expenses coming out of the family budget and more pressure on our job creators that provide people an opportunity to put food on the table.

Another question I have is, if the United States of America decides to impose this costly burden on ourselves, will China and India likewise impose the same burden on their energy industry? Of course, booming industrial giants such as China and India both have 1 billion-plus people. We know we are increasingly in a global competition and not only with India and China but the entire planet.

Why in the world would we impose a costly piece of legislation in the amount of $6.7 trillion on the American people and raise electricity costs and gasoline costs and depress the gross domestic product of this country, putting people out of work, if our major global competitors are going to get off scot-free and not likewise constrain their economy by imposing these sorts of burdens on themselves?

Finally, Mr. President, I would like to know on what basis do the proponents of the legislation believe this bill will have its intended effect? If human beings contribute to climate change, which I will not debate—I assume we do in some way or another—why have these targets been proposed? What is the science to justify those? What if those targets are reached, albeit at a cost of $6.7 trillion, with rising gas and electricity costs and a depression effect on our gross domestic product? How do we know, and where is the science that says, this bill will actually have its intended effect, particularly if China and India, our global competitors, don't participate?

The Wall Street Journal has dubbed this legislation ''the most extensive Government reorganization of the American economy since the 1930s.'' It seems to me this is something we should debate and examine and we should ask questions about so that we will know what the effect of this bill will be if it is passed.

We have already seen that Congress is not exactly omniscient when it comes to the energy area, where we have subsidized corn-based ethanol as an alternative to renewable sources of energy. The fact is, we found there are unintended consequences when we use food for fuel.

How do we know this particular bill, the Boxer climate tax bill, will not have unintended consequences? I fear it may not have the intended effect of reducing carbon emissions, and it may have some of the unintended and disastrous side effects I have already outlined.

If we are certain this is the right approach to protecting the environment, where is the evidence? Yesterday, the distinguished chairman of the Environment and Public Works Committee, and today the majority leader, complained about the fact that we want to use some time today to ask these questions and get answers. We should not be asked nor should the American people be asked to accept this on faith: Don't worry, trust us. It reminds me of the most fearsome words in the English language: We are from the Government, and we are here to help. If that is true, the American people ought to see the evidence that will justify this huge expenditure of their money, the huge increase in prices of energy, and the depressing effect on the economy, why that is necessary, and whether it will actually work as intended. Where is the evidence?

Senator BOXER, the distinguished chairman of the Environment and Public Works Committee, said the rising cost would not be a problem because of tax offsets she has included in this bill. She assured us this bill contained almost $1 trillion of tax relief, so that if we do see some of the increases in energy costs in the early years—electricity, for example—we can offset that. It almost boggles the imagination that the primary author of this legislation, Senator BOXER, would essentially concede that there will be rising energy costs as a result of this legislation and say we ought to spend $1 trillion more of the taxpayers' money to provide offsets for relief. This huge, complex bill deserves all the scrutiny we can give it.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Ohio.

Mr. VOINOVICH. Mr. President, I would like to say, first of all, that I share some of the great concerns of my colleague from Texas.

Today, I rise to address the legislative proposal introduced by Senators LIEBERMAN and WARNER to address global climate change. Like many of my colleagues, I share the urgency to take proactive steps to address this challenge we have.

That said, I have serious reservations about the proposal. I think it is overly aggressive, vastly outpacing what technology can provide and thus ensuring enormous economic pain on the country, and it is overly bureaucratic and cumbersome in its implementation, representing an unprecedented expansion of Government power and a massive bureaucratic intrusion into American lives that will have a profound effect on businesses, communities, and families.

The EPA has stated in answer to a letter I sent them that this program will take between 300 and 400 people to implement, whereas the acid rain provision takes just under 30.

The major failure of this legislation is it fails to harmonize our country's economic energy and environmental objectives, and the consequences to American interests could be devastating.

The international aspect of this problem is particularly troublesome. The developing world is currently undertaking an intensive expansion of energy infrastructure and escalating industrial and commercial expansion to meet the demands of growing domestic and international markets. The developing nations' combined emissions shortly will exceed the developed nations' combined emissions.

In 2007, ''[t]he International Energy Agency issued a . . . report projecting global energy demand would increase by more than one-half by 2030, and that 'Developing countries . . . contribute 74 percent of the increase in global primary energy use . . . China and India alone account for 45 percent of that increase.' ''

China puts on line two coal-fired plants every week—two coal-fired plants every week. In June, the Netherlands Environmental Assessment Agency announced that China's 2006 CO_2 emissions surpassed those of the United States by 8 percent. With this, China tops the list of CO_2-emitting countries for the first time and, by the way, years ahead of the projections that were made a couple of years ago.

Much like China, those countries with large domestic reserves of coal—and that includes the United States—will continue to use it. It is unrealistic to assume that the world would turn its back on this abundant resource. We must take this reality into account, and this can be done by jump-starting the technology that is needed to produce the energy we need in an environmentally sound manner.

Recognizing the international dynamic of this problem, the Lieberman-Warner proposal attempts to impose a tariff-like requirement to hold carbon credits for goods entering the United States from countries that do not control their emissions. The U.S. Trade Representative has questioned the plan's efficacy, and China, Mexico, and Brazil have signaled that the policy could begin a trade war. Indeed, top officials from the European Union and the United Nations have also raised doubts about whether the U.S. trade penalties would harm the prospects of a new global warming agreement.

But even if the provision is WTO compliant, it will not address the underlying competitiveness issues the United States would face from the higher fuel, feedstock, and electricity prices the bill would impose on U.S. manufacturers.

A better approach is needed. Americans are already struggling with the increase in their cost of living due to higher prices for gasoline, home heating fuel, electricity, food, and health care, and this bill would only make things worse. I wish some of the sponsors would go back into their respective constituencies to hear the complaints from most people—middle-class people, poor, the retirees—whose standard of living is being reduced in the country today because of these costs.

We cannot tolerate policies that harm our economy and drive businesses overseas. If those businesses locate in countries that do not share our environmental objectives, then we are worse off on two counts: Fewer jobs in the United States and no benefits at all to the environment.

Over my strenuous objections, this bill was voted out of the Environment and Public Works Committee without an analysis of the economic impacts on the country from either the EPA or the Energy Information Office. Today, we have at least a dozen analyses of the bill from a wide variety of groups, and they are all about the same.

EPA's analysis predicts that by 2030, annual losses in gross domestic product could be as high as $983 billion, and by 2050, those losses would grow to $2.8 trillion. To put this into perspective,

CBO projects the Federal budget for this year will be $2.9 trillion. That means the potential impact losses from this legislation in 2050 would equal that spent on everything we intend to spend this year from Social Security to national defense. Think about it.

In order to meet the caps of the bill, the analysis assumes aggressive growth in nuclear and other clean energy technologies at rates that are widely regarded as unachievable and, from my perspective, unbelievable. For example, they predict a 150-percent increase in nuclear power by 2050. Today, there are 104 operating plants, meaning that we have to build up to another 150 new plants by 2050. The Energy Information Office said, when they did the analysis, that we would have to build 220 of them by 2030 in order for these caps to be realistic. These assumptions are unrealistic and mask the true cost of implementing the bill.

In regard to nuclear power, I recently published a paper in the Nuclear News on the steps we need to take to launch a nuclear renaissance. I am going to make certain that each Member receives a copy of this paper. But bringing vast amounts of new nuclear power on line will not be a layup shot. For example, there is only one company and one plant in the world that makes the vessels and forges for plants. Recently, we anticipated new plants would cost about $5 billion. The new cost is $7 billion per copy. Today, we have pending at the Nuclear Regulatory Commission 9 applications for 15 new plants that, if constructed, would not come on line until 2015, 2016, and 2017. Honestly, we are going to be lucky to have 30 new nuclear powerplants by 2030.

In regard to what we call capture carbon and sequestration—the technology that is needed—no commercial experience or testing at scale has been done. DOE says it will take 10 years before the seven large-scale demonstration tests are complete to look at sequestration. DOE said that a more robust geological assessment will not be complete until 2015. Liability and critical infrastructure issues remain unanswered, and DOE says commercial CCS may not be available for 20 years.

The connection between the costs of the program and the availability of clean energy technology is clear. As EIA points out:

> The . . . timing of the development, commercialization, and deployment of low-emissions electricity generating technologies such as nuclear power, coal with CCS, and dispatchable renewable power is a major detriment of the energy and economic impacts of 2191.

I want to repeat that.

> The . . . timing of the development, commercialization, and deployment of low-emissions electricity generating technologies such as nuclear power, coal with [carbon capture sequestration], and dispatchable renewable power is a major detriment of the energy and economic impacts of 2191.

The Cleveland Plain Dealer, which is the largest newspaper in the State of Ohio, this Sunday editorialized on this bill. The title is ''This carbon bill isn't the answer.'' It goes on to say:

> The bill, as conceived, will just bore new holes into an already battered economy. . . .
>
> Coal-dependent states with partially deregulated energy prices—Ohio, for instance—would take a double hit in economic dislocations and electricity price spikes, with barely any financial cushions to make the disruptions more palatable. The bill also lacks the kind of consumer fairness and flexibility necessary to avoid fuel-price shocks and damage to manufacturing nationwide.

I ask unanimous consent to have this editorial printed in the RECORD.

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

[From the Plain Dealer, June 1, 2008]

THIS CARBON BILL ISN'T THE ANSWER

The latest version of a bill that would mandate a carbon emissions cap-and-trade system for utilities and others using high-carbon coal is due to come before the full U.S. Senate on Monday. It could be voted on before the end of the week.

To judge from the intensity of lobbying, you'd think it was a proposal to make it easier to exit Iraq, corral oil prices, revive the economy, spur renewable energy investments and end unemployment.

You'd be wrong on all counts.

The bill, as conceived, will just bore new holes into an already battered economy.

It also doesn't have a prayer of becoming law. There is no companion legislation in the House, and President Bush threatens a veto if one materializes.

Neither of Ohio's senators has said he supports it, and the big push by environmentalists to try to swing one of those likely nays—the one belonging to freshman Democrat Sherrod Brown—is all about symbolism over substance. In failing to compromise on issues of regional equity repeatedly highlighted by Ohio's other senator, George Voinovich, the bill's supporters evince crass disregard for the economic realities of hard-hit manufacturing states.

Neither Brown nor Voinovich denies the need to reduce carbon emissions and address global warming.

That need is increasingly urgent, given recent findings by scientists within the formerly skeptical Bush administration on how accelerating climate change is beginning to impact Americans' well-being.

Yet the hammer-and-tong approach of the Senate bill—originally sponsored by Democrat Joe Lieberman of Connecticut and Republican John Warner of Virginia and recently tweaked by Democrat Barbara Boxer of California—lacks even a semblance of balance.

Coal-dependent states with partially deregulated energy prices—Ohio, for instance—would take a double hit in economic dislocations and electricity price spikes, with barely any financial cushions to make the disruptions more palatable. The bill also lacks the kind of consumer fairness and flexibility necessary to avoid fuel-price shocks and damage to manufacturing nationwide.

Those who have watched the Europeans' cap-and-trade system deteriorate into a nightmare of bureaucratic costs, nonsensical investments in outdated factories in China and puzzling price spikes in which the utilities were the only clear winners can be excused for scratching their heads over why cap-and-trade remains the ''only'' idea worth pursuing.

Surely there are less cumbersome, more equitable ways of making carbon emissions more expensive, and thus spurring investment in new technologies, without breaking the banks of both small-town and industries Ohio.

Mr. VOINOVICH. Mr. President, I ask unanimous consent to have printed in the RECORD the paper I have written on the nuclear renaissance.

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

[From the Nuclear News, March 2008]

MAKING THE NUCLEAR RENAISSANCE A REALITY

(By George V. Voinovich)

In September, for the first time in over 30 years, a license application to build a new nuclear power plant was filed with the Nuclear Regulatory Commission. Three more applications soon followed. The NRC expects to receive 18 more applications within the next two years for a total of more than 30 new reactors. Although no applicant has yet made a firm commitment to build, a number of them have made significant investments, such as ordering long-lead construction items. Internationally, the resurgence seems to be moving at a faster pace. According to the International Atomic Energy Agency, there are 34 reactors in various stages of construction in 14 countries.

The underlying political climate for nuclear power has changed over the past several years, influenced by a confluence of factors: the growing demand for electricity, sharp increases in the prices of natural gas and oil, and the increased emphasis on clean energy. Recent government policies, such as the Energy Policy Act of 2005, have certainly helped in stimulating private sector investment for new nuclear as part of a portfolio of ''environmentally clean'' energy projects. At the state level, legislation has passed or is being considered in Georgia, Iowa, Wisconsin, Florida, Virginia, Kansas, South Carolina, and Texas recognizing the value of a diverse energy portfolio that includes new nuclear plants. These factors have created an environment in which nuclear has once again emerged as a viable (perhaps one of only a few) energy source for baseload generating capacity.

Currently, 50 percent of our electricity comes from coal, 19 percent from nuclear, 19 percent from natural gas, 9 percent from renewable sources such as hydro, solar, and wind, and 3 percent from oil. Of these, coal and nuclear (with average capacity factor of about 90 percent) have been the backbone of baseload generating capacity, since they are capable of providing a steady flow of power to the grid at low cost and high efficiency. Solar and wind power plants produce electricity only when conditions are right; when the sun sets or the wind calms, their output drops, regardless of the demand for electricity. Natural gas power plants are too expensive to run as baseload plants due to volatility in natural gas prices.

According to the Energy Information Agency, U.S. electricity consumption is projected to grow from 3821 billion kilowatt-hours in 2005 to 5478 billion kilowatt-hours by 2030, an increase of more than 43 percent. To be sure, we must have greater efficiency, more demand-side management, and more renewable energy, but we must also have clean coal and nuclear generating capacity to sustain our $11-trillion-a-year economy. With increasing environmental constraints, particularly the desire for caps on carbon emissions, expanding nuclear's share of baseload seems logical. The 104 nuclear power plants operating today represent over 70 percent of the nation's emission-free generation portfolio, avoiding 681 million metric tons of CO_2, compared with 13.1 million tons for wind and 0.5 million tons for solar.

So it is no accident that there is a growing realization among environmentalists, scientists, the media, think tanks, and policymakers that nuclear power must play an important role in harmonizing the country's need for energy independence, economic competitiveness, and a healthy environment. Sen. Barbara Boxer (D., Calif.), chairwoman of the Environment and Public Works Committee, recently stated: ''I am a pragmatist. The vast majority of the members on my committee support nuclear power, and so do the majority in the Senate. . . . I don't think there is any question that we are going to be seeing new plants.'' Patrick Moore, one of the founders of Greenpeace, also caused a stir last year when he declared that ''nuclear energy is the only large-scale, cost-effective energy source that can reduce emissions while continuing to satisfy a growing demand for power . . . and these days it can do so safety.'' They have come to a similar conclusion: If we are to meet the growing electricity needs in this country and also address global climate change, nuclear power has a crucial role to play.

Despite these positive developments, a number of formidable challenges to realizing a nuclear renaissance remain, particularly in the areas of regulatory uncertainty, financing, availability of human capital, expansion of the domestic supply chain infrastructure, and nuclear waste management. I intend to take steps, together with other stakeholders, to turn these challenges into opportunities. My hope is that these steps will serve as a road map to making the nuclear renaissance a reality.

REGULATORY UNCERTAINTY

Processing 22 or more new plant license applications concurrently on schedule in a thorough manner will be a monumental challenge for the NRC, which has not seen this type of major licensing action in the past 25 years or so. That is why as chairman of the Senate Environment and Public Works Committee's Subcommittee on Clean Air and Nuclear Safety between 2003 and 2006, and now as ranking member, I have focused a great deal of time and effort on making sure that the NRC is gearing up to meet this challenge and avoid a bottleneck. My management philosophy since my days as mayor of Cleveland and governor of Ohio hasn't changed: Place the right people to run the agencies and departments, provide them with the resource and tools necessary to do their jobs effectively and efficiently, and then hold them accountable for results.

Together with Sen. Tom Carper (D., Del.) and Sen. Jim Inhofe (R., Okla.), I introduced a number of bills—the Nuclear Fees Reauthorization Act of 2005 (S. 858), the Nuclear Safety and Security Act of 2005 (S. 864), and the Price-Anderson Amendments Act of 2005 (S. 865)—to provide the NRC with what it needs in terms of legislative reforms, human capital, and other resources to do its job effectively and efficiently. These pieces of legislation were enacted into law as part of the Energy Policy Act of 2005. Among other things, these bills authorized the NRC to take innovative steps to attract both young talent and retired experts to address the agency's anticipated shortages in technical capabilities.

The NRC's licensing process has been completely overhauled. All regulatory approvals are now received up front based on a completed plant design, before construction starts and significant capital is placed at risk. Under the old process, repeated construction delays and massive cost overruns were common as applicants struggled to stay ahead of evolving regulatory requirements and design changes. The old process required two separate permits—one to begin construction of the plant, and one to operate it—allowing multiple opportunities for delay. Some multibillion-dollar facilities stood idle for years while licensing proceedings ground slowly to completion. The new process requires only a single combined construction and operating license (COL) for both functions. There are opportunities for public participation in the new process, but most of those occur before construction begins, when such participation is most productive.

While the new licensing process is a significant improvement over the old process, a level of healthy skepticism remains by virtue of the fact that the new process has not yet been tested. Given the complexities involved, it is perfectly reasonable to expect some wrinkles during the NRC's review of the first few applications under the new process. In my view, the level of success and certainty in the process will depend in large part on the discipline with which the process is implemented by both the NRC and the applicants.

Finally, and perhaps most important, the composition and the stability of the commission will be more critical than ever before. Senator Carper and I will work with the administration and the Senate leadership to ensure that future appointees have a balanced and objective view regarding nuclear power and its role in harmonizing the country's need for energy independence, economic competitiveness, and a healthy environment.

FINANCING

The nuclear industry's major financing challenge is the cost of new baseload nuclear power plants relative to the size of the companies that must make those investments. Unregulated generating companies and regulated integrated utilities represent different business models, and those differences influence how these companies approach nuclear plant financing. Regulated companies expect to finance nuclear plants in the same way they finance all major capital projects, with state regulatory approval and reasonable assurance of investment recovery through approved rate charges. These companies must know—before construction begins—that their investment in a new nuclear plant is judged prudent and can be recovered. Unregulated companies rely on debt financing with a highly leveraged capital structure. Since the estimated cost of a new nuclear plant ($5 billion to $6 billion) is a significant fraction of the company's assets, it is in effect a bet-the-company decision.

To help overcome these obstacles, the Energy Policy Act of 2005 provides key incentives for investments in new nuclear plants: a production tax credit of $18 per megawatt-hour for the first 6000 megawatts of new nuclear capacity; regulatory risk insurance against delays in commercial operation caused by licensing or litigation for up to $500 million for the first two plants and $250 million for the next four; and loan guarantees up to 80 percent of the cost of projects, such as nuclear plants, that reduce emissions. While the production tax credit certainly improves the financial attractiveness of a project during its commercial operation, and regulatory risk insurance provides a safety net in case of regulatory delays, it is the loan guarantee provision that makes the difference for unregulated companies in deciding whether or not to build. Properly implemented, this loan guarantee program allows unregulated companies building nuclear plants to employ a more leveraged capital structure at reduced financing costs, which then benefits consumers through lower rates for the price of electricity.

I have worked hard to make the loan guarantee program perform as Congress intended in the Energy Policy Act of 2005—that is, to attract sufficient private capital at low cost. In addition to meeting with key administration officials, including then Office of Management and Budget Director Rob Portman and Energy Secretary Sam Bodman, in 2007. I introduced the Voinovich-Carper-Inhofe Amendment (SA–1575) to the Energy Bill (H.R. 6) to allow loan guarantees of 100 percent of the loan amount for capital-intensive projects such as nuclear and clean coal, provided that the borrower pays for the loan subsidy costs. Although this amendment did not make it into the final version of the Energy Bill, the administration recently issued a final rule that in effect adopts the intent of the Voinovich-Carper-Inhofe amendment.

I have also been working with the Senate appropriators to increase the fiscal year 2008 cap on the aggregated value of the guaranteed loans. On June 15, together with Senators Carper and Inhofe, I sent a letter to the appropriators urging them to increase the cap from $9 billion (as called for in the president's budget) to an amount sufficient to cover all qualified and worthy energy projects, including new nuclear, clean coal, renewable energy, and energy efficiency projects. The appropriators responded by increasing the cap to $38.5 billion, with $18.5 billion for new nuclear, $6 billion for clean coal-based power generation and gasification plants that incorporate carbon capture and sequestration, $2 billion for advanced coal gasification, $10 billion for renewable energy, and $2 billion for a uranium enrichment facility.

Another critical factor for the successful implementation of the loan guarantee program is a transparent methodology for calculating the credit subsidy cost to be paid by project sponsors. Such costs should be reasonable and commercially viable. I will continue to work with my Senate colleagues and the administration to make sure the loan guarantee program is working the way it is intended to work. The need for government-sponsored investment incentives should be only temporary. Once it is shown that new plants can be built to schedule and budget, the sector will take care of itself. I don't want to create a ward of the state, but rather to overcome initial hurdles and nurture a sector that makes economic and policy sense on its own.

HUMAN CAPITAL AND JOB OPPORTUNITIES

Senator Carper and I recently held a nuclear energy roundtable with representatives from organized labor, industry, academia, professional societies, and government agencies. The roundtable was very productive as it raised an awareness of the impending shortage of the skilled workers needed to support the nuclear renaissance. Government, industry, and labor efforts in the development of a skilled workforce must be coordinated in order to align with anticipated investment in new plants. Each new nuclear plant will require 1400–1800 workers during construction, with peak employment of as many as 2300 workers. Skilled tradesmen in welding, pipefitting, masonry, carpentry, sheet metal, and heavy equipment operations—among others—all stand to benefit. If the industry were to construct the 30 reactors that are currently projected, 43,400 to 55,800 workers would be required during construction, with peak employment of up to 71,300 workers. Everyone at the roundtable agreed that the construction of more than 30 new reactors over the next 15 to 20 years could present an enormous challenge for the nuclear industry.

The roundtable resulted in a number of recommendations to turn this challenge into an opportunity, including the following: (1) use recent retirees as instructors, mentors,

and advisors; (2) provide more flexibility to a younger generation of workers; (3) invest in building a pipeline of future workers by front-loading recruitment and training—the philosophy of ''just-in-time'' inventory does not work with human capital; (4) identify all existing public and private-sector training programs, and then leverage and fund those that are successful (e.g., Helmets to Hardhats and the Building Construction Trade Department's training program); and (5) provide adequate and consistent funding in science and technology for universities and colleges.

Successful follow-through on these suggestions requires a collaborative effort from the federal and state governments, industry, organized labor, and academia. Congress has demonstrated leadership in addressing some of these workforce challenges. The recently enacted America Competes Act establishes a solid policy framework for addressing the science, technology, engineering, and math workforce challenges identified in the National Academies' report, Rising Above the Gathering Storm: Energizing and Employing America for a Brighter Economic Future. Sen. Jeff Bingaman (D., N.M.) and I fought to restore federal funding to support nuclear science and engineering programs at universities across the country in FY 2007 and FY 2008.

Senator Carper and I are planning a follow-up roundtable in mid-2008 to align investment and workforce development initiatives to ensure the collaboration and coordination of government, industry, and labor efforts in developing the energy-related skilled work force, and to solicit input on legislative support.

EXPANDING THE DOMESTIC MANUFACTURING BASE

In the three decades since the last nuclear plant was ordered and the two decades since the bulk of the nuclear plant construction was completed in the United States, the nuclear design, manufacturing, and construction industry has significantly declined. The leading U.S. firms have either ceased operation, consolidated, or become subsidiaries of non—U.S. parent companies. The companies that remain have survived by retrofitting and maintaining existing U.S. plants.

Initially, it will not be possible to manufacture all of the major plant components required of new nuclear plants in the United States. Successfully bringing the planned 30 or more new nuclear reactors on line, however, requires the reestablishment of the construction and component supply industries, as well as the supplier network needed to support those industries—from the steam generators and reactor vessel heads to the thousands of valves, pumps, heat exchangers, and other parts used in a nuclear plant. The potential for growth in the manufacturing sector and manufacturing jobs to support the construction of 30 new nuclear plants is staggering.

I am a strong advocate for government policies that encourage private-sector investment in the manufacturing of various components and pieces of equipment for the energy sector. This includes the nuclear industry, as well as other energy technologies the nation will need, such as carbon capture and sequestration. The United States has long been a leader in innovation and advanced manufacturing. We need to promote policies that take advantage of the growth of our energy sector and of American ingenuity, productivity, and entrepreneurship by encouraging the manufacturing industries that will support future energy development to produce their products in the United States.

I introduced the Voinovich-Carper-Inhofe Amendment (SA–1683) to the Energy Bill (H.R. 6) to make American-manufactured nuclear components, parts, and service-related jobs available to foreign markets. The support of our House colleagues—Chairman John Dingell (D., Mich.) and Ranking Member Joe Barton (R., Tex.) of the House Energy and Commerce Committee—was instrumental in getting this piece of legislation passed and signed into law. This legislation is anticipated to spur growth in U.S. manufacturing for new international commercial nuclear power plants, create highly skilled jobs across the United States, and provide American companies and workers access to foreign markets that have long been dominated by foreign competitors.

MANAGING NUCLEAR WASTE

The U.S. high-level radioactive waste management program under the Department of Energy has faced several challenges for many years. First, a redirection of the program has occurred with every change in administration. Second, a majority of the Nuclear Waste Fund revenues are consistently applied to support congressional budgetary priorities rather than their intended purposes. Third, the annual appropriations process provides for ongoing opportunities for those opposed to the direction of the program to interfere with its success.

At the time the Nuclear Waste Policy Act was signed into law in 1982, the direct disposal of spent fuel as a national policy was established on the premise that the existing fleet of nuclear plants would operate only through their initial 40-year license and then be retired, with no new plants being built. This was during the post-Three Mile Island accident era, when nearly 100 planned nuclear plants were canceled. Today, the story is vastly different, with most nuclear plants likely to extend their operating lives to at least 60 years. Also, there may be as many as 30 new nuclear power plants planned in the next 15 to 20 years.

I held a subcommittee hearing in September 2006 to examine both short- and long-term options for the nuclear waste issue. One of the options discussed was a program to determine whether the reprocessing of spent nuclear fuel should be adopted in some form, rather than the current policy of direct disposal. Through reprocessing, uranium and plutonium recovered from spent fuel can be recycled into new fuel. Reprocessing also serves to significantly reduce the volume of material requiring geologic disposal. Reprocessing technology has been used on a commercial scale for many years in a number of countries. The renewed interest in an expanded role for nuclear power in the climate change debate further emphasizes the importance of reexamining U.S. policies related to the nuclear fuel cycle. I believe we should not remain solely fixated on a waste solution that was designed for a different day.

Another idea presented at the hearing involves long-term interim storage perhaps complementing a spent fuel recycling program. While permanent disposal at Yucca Mountain or a similar facility remains a long-term imperative, the combination of short-term on-site storage and longer-term interim storage of spent fuel gives us time to complete the technology development needed to safely and securely recycle spent nuclear fuel.

Senator Carper and I plan to hold a roundtable to solicit input from various stakeholders to help us develop a legislative proposal with the following objectives in mind: (1) implement an accountable and sustainable governance structure to execute the federal government's responsibilities under the Nuclear Waste Policy Act; (2) enable the investigation of recycling spent nuclear fuel with appropriate consideration of safety, nuclear proliferation, environmental, energy supply, and economic factors; and (3) ensure that the fees paid into the Nuclear Waste Fund are applied for their intended purpose—i.e., the disposal of radioactive wastes produced by the generation of electricity from nuclear power—in a manner insulated from political influences.

I believe that the safe and secure growth of nuclear energy is essential if we are to harmonize the country's need for energy independence, economic competitiveness, and a healthy environment. Nuclear power is growing in the world, and our own energy needs can serve as a springboard to rebuild U.S. technology and manufacturing capabilities to something approaching the leadership the nation once enjoyed, contributing to foreign markets as well as supporting our own. I intend to work with my colleagues in the Senate to build bipartisan support and leadership for making the nuclear renaissance a reality.

Mr. VOINOVICH. Mr. President, while coal and manufacturing States pay their neighbors and the Government to stay in business, the bill establishes trillions of dollars in new entitlements, earmarks—earmarks—with money flowing to over 30 new Government spending programs, constituting, as the Wall Street Journal recently pointed out, one of the largest tax-and-spend bills in the Nation's history.

Based on EPA's analysis, this bill would raise over $6 trillion from the allowance auction from owners and operators of utilities and factories that have to purchase allowances to stay in business. But the cost of purchasing these allowances would be passed on to consumers as higher prices, which will, as the CBO points out, amount to a regressive tax hitting low- and middle-income working families. In my State, they predict that by 2012, the cost of electricity will go up 50 percent, the cost of natural gas 80 percent, and the cost of gasoline will go up 30 percent. Some of my constituents say: How can the cost of gasoline go up? I point out to them that we have refineries that refine oil. With this bill, they are going to have to buy allowances, and those allowances will increase the cost of your gasoline 30 percent. Did you hear that? A 30-percent increase in gasoline costs as a result of this legislation. Give me a break.

Despite the severe economic damage Lieberman-Warner would impose on the U.S. economy, the policy would do little to address global climate change. EPA's—this is not some conservative group out there—analysis indicates the policy will reduce global concentrations of CO_2 less than 5 percent by 2095.

Addressing climate change will require a technology revolution centered on the way we produce and use energy. The theory behind Lieberman-Warner is that the more painful it is on business, the faster CO_2 reductions will occur. I believe the solution to this problem lies in our ability to increase access to clean energy. Instead of using the power of the Government to increase energy cost, we should use it to decrease barriers to investments and clean energy solutions.

The United States took a lot of flak from countries for our not signing Kyoto, but I am pleased the Bush administration has been moving forward with some new initiatives. And while we didn't sign Kyoto, we do have a base of international activities to build on, and one of them could provide the basis for becoming a multinational effort, giving all countries a vested interest in technology advancement and deployment.

The thing we have to remember is that, above all, the developing world desires sustained economic growth. Slowing down economic development to address climate change is not an option they are willing to pursue, and we cannot force it upon them. If we are going to be successful in addressing the challenge of climate change, we have to set a realistic vision for the developing world, using what Richard Armitage and Joseph Nye referred to as smart power. When they testified before the Senate Foreign Relations Committee on April 24, 2008, they argued that the world:

> . . . looks to the U.S. to put forward better ideas rather than just walk away from the table.

This was the perception after Kyoto, and it could be the perception again today if we do not find a way to engage the developing world.

They go on to say:

> The United States needs to rediscover how to be a smart power, which matches vision with execution and accountability, and looks broadly at U.S. goals, strategies, and influence in a changing world.

And they rightly conclude that our:

> . . . challenges can only be addressed with capable and willing allies and partners.

Without willing partners in China and India, we cannot be successful in addressing climate change. Technologies development and promotion should drive our national climate policy. It is the only rational path forward. It is the only way to deal with emissions from rapidly expanding coal-based economies such as China and India, that readily admit they have no intention of accepting binding emission targets.

The public interest and private sector communities agree that the crucial factor that will determine whether we have an effective climate policy is the extent that policy will encourage the development and deployment of needed technology. Regulation without sufficiently available technology will result in high cost for American consumers while offering little hope that developing nations will answer the call to reduce their emissions.

In conclusion, I agree that we need to act quickly to address climate change, but we must be smart about how we proceed. I am hoping after this year's debate, we can come together—come together—on a bipartisan basis, to draft a bill that doesn't impose unilateral actions that hurt our economy and drive jobs overseas but rather jump-starts technology, engages our international partners through collaborative multinational efforts to develop and deploy the clean energy technologies that everyone recognizes are necessary to solve this global environmental problem.

I appreciate the Chair giving me an extra minute.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

The Senator from Florida.

HIGH COST OF ENERGY

Mr. NELSON of Florida. Mr. President, I wanted Sara Sanders to come over here and be on the floor while I am speaking, because this photograph is of her hometown, Madison, FL, in Madison County, which is in north Florida. If you examine this photograph of downtown Madison, here is the old courthouse, and across U.S. 90 is this Shell gasoline station.

This photograph is from a couple of days ago, and you can see that regular is $4.09.9 a gallon, and premium is $4.33.9 a gallon. This is certainly a record for Florida, and it is especially a record for the rural parts of Florida, which Madison County, part of north Florida, is a part of.

Last week, when we were in recess, I did 18 townhall meetings all over the State of Florida, and I can tell you our people are hurting. They are hurting because they are having difficulty making financial ends meet. Our people are hurting and are having difficulty making their paycheck go far enough. Our people, particularly those who have to drive long distances and don't have any alternative of mass transit to get to work, are having difficulty being able to afford getting to work. That is symbolized by this photograph of a couple of days ago in Madison, FL—$4.10 for a gallon of regular gas.

Where is it going to go? Well, I wish to have you look at this particular chart. Now, this indicates to us what has happened to the price of gas over the last 8 years. In January of 2001, the price of gas was at $1.47. Seven and one-half years later, the price at the end of May was $3.94 a gallon. This is a national average. As that photograph reflected, it has exceeded, even in rural parts of America, $4 a gallon.

It rocked along here at less than $1.50 for a couple of years. Then, in 2003, it jumped above $1.50 and started to gradually climb. Then, in 2005, it spiked up right after Katrina. As a matter of fact, overnight, when Katrina hit, it went from about $2.65 to up over $3. It gyrated back and forth, exceeding that $3 limit, and look what has happened in the last month or 2 months. It has gone from less than $3 a gallon all the way up to $4 a gallon.

There is something that is going on, and people are sick and tired because they are frustrated they can't afford this. By the way, Florida is a microcosm of America. A lot of America has moved to Florida and, therefore, when you look at a representative sampling of this country, our State is a microcosm. And having been all over the State for all of these townhall meetings this past week, I can tell you that people's frustrations are turning to anger. They do not know what to do, but they want their Government to act.

Now, what do we do? Well, I must say it is very interesting that we hear coming from parts of the energy sector the same old story: We have to drill more. If you could drill more and you could get it to market immediately, that would certainly bring some relief. But when that is said, the full story isn't told. Because when the oil companies say they want to drill more, and that supply and demand will take care of the problem, what they fail to say—and they fail purposely to say this—is that there are 33 million acres under lease that are submerged lands—33 million acres—of which they haven't drilled. It is there. They have not drilled.

Of course, a side issue here is the constant pressure to come in and drill off of our coast, off of the east coast of the United States and off of the west coast. But there are 33 million acres under lease, submerged, that are already available. Plus, there are another 34 million acres that are either owned or leased on lands that have not been drilled. Now, you don't hear that, but that is a fact. Of those 33 million acres that are submerged, and that are under lease and ready to be drilled, or to go through the process of leasing, they ignore the fact that we worked out a compromise 2 or 3 years ago where we would add an additional 8.3 million acres of submerged lands in the Gulf of Mexico that could be leased. We kept that away from the military training area, which is most of the Gulf of Mexico off of the State of Florida.

All that submerged land is there for drilling, but of course we hear the same old refrain from over the years: Well, let's drill. Let's drill our way out of the problem. The fact is that is a red herring to get us off of the ultimate solution to this problem. The answer is not just drill, the answer is alternative energy sources.

Now, let me put it another way. The United States has only 3 percent of the world's oil reserves, but the United States consumes 25 percent of the world's oil production. If you only have 3 percent of the world's oil reserves but you are consuming every day 25 percent of the world's oil production, doesn't that suggest to you that you can't drill your way out of the problem; that you ought to be looking to different solutions?

I am going to suggest a few. But first I want to go back in history. What has happened in America? First, we had a wake-up call. Remember, it was back in the early 1970s. The OPEC cartel was formed and they decided to have an oil embargo, and so the price of oil jumped per barrel something like from the $2 or $3 a barrel price to suddenly $10 and

a little more, and the long gas lines occurred. There was world oil panic and we vowed we were going to do something about it. As a matter of fact, the President of the United States at the time said, We are going to make ourselves energy independent.

Well, here we are, 3½ decades later, and it is not the United States that is energy independent, it is Brazil that is energy independent. In those early 1970s, after that scare, when we vowed we were going to do something about it, we went back to sleep. Then in the late 1970s, we had another wake-up call. This wake-up call was the Iranian hostage crisis. Remember how the oil markets got jittery and we started having the long lines at the gas stations again, and we said, We are going to do something about this energy independence on foreign oil? Then what happened? We collectively, as a nation, went back to sleep.

Cheap oil was part of the problem. It seduced us, even though that cheap oil was continuing to get a little more expensive. So, then, we get up to the end of the decade of the 1980s and Saddam Hussein suddenly moves on Kuwait and takes over another country and their oil fields. We had another crisis and oil spikes again. The Nation was in an energy crisis. Our foreign oil supplies were being threatened, and we make another vow that we are going to do something about it. And what happens? We allow ourselves to be lulled by the sweet dulcet tones of being reliant on a cheap energy source, even though it was getting higher and higher, and we go back to sleep.

Then we turn the century. Suddenly, we have September 11. Then we have Afghanistan. Then we have the Iraq war. All of those oil supplies in that region of the world are threatened and, suddenly, everyone is getting jittery. At the same time, China is emerging as an industrial power, and so is India. They are demanding more and more of the world's oil supplies and the supplies are getting tighter and tighter and the price starts going up and up. Still, on the Senate floor with my colleague, the senior Senator from California, as I have assisted her for the last 8 years, each year trying to increase miles per gallon in the fleet average of our automobiles, we are not able to get the votes to pass it. We allow ourselves to be lulled and lulled back to sleep.

Finally, because of the way this gas price spiked after Katrina to over $3, finally we were able to marshal the political will so that we could change the miles per gallon, a modest change, to 35 miles per gallon from 25 miles per gallon—although that 25-miles-per-gallon standard set in the 1980s was illusory because light trucks and SUVs were exempt. We were able to get to a new standard to include all and a fleet average of 35 miles per gallon—but it would not be fully phased in, over the period of the next 12 years, until the date of 2020.

Before I offer some additional solutions, why has oil, as measured in gas prices, gone, in just a few months, from $3 a gallon to over $4 a gallon?

Is the President indicating that I do not have any further time, Mr. President? Is the Presiding Officer indicating I do not have any further time?

The ACTING PRESIDENT pro tempore. No. The Senator has spoken for 15 minutes. I was consulting with the Parliamentarian to see if there were limits. There were none.

Mr. NELSON of Florida. That was my understanding. Mr. President, does the Senator from California want to speak?

Mrs. FEINSTEIN. Through the Chair to the Senator from Florida, I am the first speaker on the global warming bill. Do what you need to do. I thank the Senator.

Mr. NELSON of Florida. I am having a good time doing it, too. I will wrap up within the next 5 or so minutes.

Why, then, other than what we have already talked about—the tightness of the world's oil market—why, in just the last couple of months, has it spiked from $3 a gallon to over $4 a gallon? Why, in Madison, FL, a rural part of Florida, 2 days ago, was regular gas at $4.10?

Part of that reason, of course, is what we have talked about, the world tightness. Part of it is that the United States relies on oil from foreign shores for 60 percent of its daily consumption of oil from places such as the Persian Gulf and Nigeria and Venezuela—the Persian Gulf, roughly 20 percent of our oil supply; Nigeria, 12 percent of our daily supply; Venezuela, 14 percent of our daily supply. I have just mentioned three very unstable parts of the world. That is part of the skittishness of this world oil market. But there have to be additional reasons.

How about the weakness of the dollar? You know what we could do about that? Here is a solution. We could start bringing our budget back into balance instead of going out where spending is here but revenues are only here and the difference each year we have to borrow. Guess whom we are borrowing from—China and Japan. They are buying our debt in order for us to meet our expenditures. If we bring that budget back into balance, we can start strengthening our dollar, which will help us in this overall global market of oil since oil is sold in U.S. dollars.

But I think the biggest part of this spike is that we have world oil markets that are buying futures contracts, and the speculators are speculating up the price as they bid up the price, and they are not having to put down a substantial amount of money. They are only putting down about 6 percent of the total oil contract, so 94 percent they are basically getting on future credit, and that means they can bid up that price.

The question is, Are we going to get in and start checking out these commodities exchanges? Are we going to get a Commodity Futures Trading Commission that will crack the whip, that will examine this speculation driving up the price?

We passed a part 2 weeks ago in the farm bill that is now law that will close that Enron loophole that occurred in the year 2000, that exempted Enron and others from oversight in the trading markets for energy. That certainly has allowed that speculation to go on. We got a little victory there, on the Commodity Futures Trading Commission.

The bottom line is, if we are going to solve this problem we have to have the political will. This Senator will be speaking about the Lieberman-Warner bill later on, but there is all kinds of inflammatory rhetoric about how this is going to jack up the price of gasoline and of oil.

But the fundamental problem is we have to have the political will to start going to alternative sources in order to break the stranglehold of dependence on oil and particularly foreign oil. That means we are going to have to go to alternative sources such as biofuels. We are going to have to pour the money into research and development on cellulosic ethanol. Ethanol, of course, we can mix in our existing cars with gasoline, and that yields much less consumption of oil.

In the new vehicles, the new cars, you can take 85 percent of ethanol and mix it with 15 percent of gasoline. Just think how much less is the use of oil. Or you put all of that mixture—85 ethanol, 15 gasoline—into a hybrid, and what about a plug-in hybrid? Suddenly you have expanded your equivalent miles per gallon of oil consumed to upwards of several hundreds of miles. We have the technology to do this. The question is, Do we have the political will? That is what I bring us back around to.

There is a lot of inflammatory rhetoric about how, if you try this new thing or you try that new thing—don't do it. Go back on the old, reliable oil. I have seen frustration grow into anger out there as I faced my constituents and tried to give them hope this past week in those 18 townhall meetings. They need hope. We need to help provide that hope.

The next President of the United States needs to help provide that hope. I want to be a part of that solution, to provide that hope. This Senator is going to continue to speak out against those voices that would say: No, no, just do it the same old way.

It is time for change. It is time for bold ideas. It is time for research and development. It is time to take the competitive genius of America, this Yankee ingenuity, our ability to create, our ability in our technological prowess—it is time to utilize all of those assets and to break through to a new beginning.

I yield the floor.

The ACTING PRESIDENT pro tempore. There is 7 minutes remaining in

morning business. The Senator from California.

Mrs. FEINSTEIN. If I may, it is my understanding there is an agreement that I would be the first speaker on global warming. I have about 21 minutes. I could use 7 of them now. If the Senator from Oklahoma—I see him on the Senate floor—if he would prefer some time in morning business, I am prepared to yield to him, and then if I could be recognized as soon as we go to the bill?

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. INHOFE. I think we are working on a unanimous consent request right now. Why don't you go ahead and use the remaining time in morning business, and then you will be the first speaker to use the remaining of that 21 minutes or whatever you want, and that 14 minutes will come out of the bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I am going to yield back the morning business time so we can go to the bill and I will be able to speak without interruption.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Without objection, morning business is closed.

CLIMATE SECURITY ACT OF 2008—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 3036, which the clerk will report.

The legislative clerk read as follows:

Motion to proceed to S. 3036, 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.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent the order of speakers after morning business, prior to the recess for caucus luncheons, be as follows: Senator FEINSTEIN for up to 20 minutes, ISAKSON for up to 15 minutes, CORKER for up to 20 minutes, SPECTER for up to 15 minutes; KERRY for up to 20 minutes.

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

Mrs. FEINSTEIN. Mr. President, I rise today to speak in favor of the climate change legislation sponsored by Senators JOE LIEBERMAN and JOHN WARNER and the managers' substitute amendment offered by my friend and colleague, Senator BARBARA BOXER.

I congratulate all three of them. This is not an easy road. I want particularly to thank the chairman of the committee for her work. She has been open, she has been consultative, she has asked to meet with Members, she has asked for Members' participation in the work. She has been both strong and solid in her leadership.

After years of debating about the science underlying the warming of our planet, today marks a momentous step because for the first time we are considering comprehensive legislation to address global warming in a comprehensive manner. I believe the time has come for the Senate to pass legislation to tackle this problem.

The bill represents the most comprehensive opportunity we have in this Congress to help curb our carbon footprint and take meaningful action to prevent catastrophic climate change—and nobody should disbelieve that is coming. The fact is this: Global warming is happening. It has already begun to inflict changes on the world as we know it. If you read the newspapers, if you watch television, or if you simply take a look around, it is undeniable. Just look at weather patterns. More destructive and deadly storms, such as the cyclone that hit Burma and the tornadoes that have devastated parts of the Midwest, are happening. Species are beginning to disappear. The Fish and Wildlife Service has just announced that the polar bear has been placed on the endangered species list because of global warming.

Its habitat is literally melting away. Polar icecaps are melting. The Northwest Passage was navigable for the first time last summer. The Arctic Circle could be ice free by 2030. The West is running out of water. Scientists at UC San Diego believe there is a 50–50 chance that Lake Mead, a key source of water for 8 million people in the Southwestern United States, will be dry by 2021, if the climate changes, as expected, and its use is not curtailed. Projections suggest that both Antarctica and Greenland could melt at the same time. If that were to happen, the seas would rise by 20 feet. So we are feeling the effects of warmer weather. Five out of the past 5 years and 19 out of the last 20 have been the warmest on record.

The Western United States is receiving the brunt of warming. This is because the West's average temperature is 70 percent greater than the planet as a whole. So the Earth's temperature has warmed 1 degree over the past century, but it has warmed 1.7 degrees in the 11–State Western region, and it is only getting warmer. Take a look at this map.

Here is why. Carbon dioxide doesn't dissipate in the atmosphere. It remains for 30, 40, 50, 100 years. The atmosphere is a shell around the Earth, and carbon dioxide has been growing since the Industrial Revolution in this atmosphere. So the question becomes, how much will the Earth warm? This very question is at the heart of why we need climate change legislation, because scientists tell us we can make a difference to impact how much the Earth will warm. We can't stop warming, but we can slow it down. But if we are to do even that, we have to act soon and decisively. I truly don't believe there is a minute to waste.

To stabilize the climate and to prevent catastrophic warming, scientists say we need to begin by reducing emissions by 65 to 80 percent below 1990 levels—that is 65 to 80 percent below what we have put into the atmosphere in 1990—and do all this by the middle of the century. That translates into a goal of 1,450 parts per million of carbon dioxide in the atmosphere. Vice President Al Gore told me recently there is some new science out that we actually may need to limit carbon emissions to 350 parts per million, which is even stronger. There is new science out that shows the Earth is warming even faster than was originally predicted. We need to contain the warming to 1 to 2 degrees. We will still experience significant but manageable changes, but if we fail to act, the Earth's temperature could rise 5 to 9 degrees or more. Those results are catastrophic and irreversible.

I tell constituent breakfasts about the Earth. Most people believe the Earth can't change. But, in fact, planets do change. Look at Mars, look at the Earth 250 million years ago, when there was one mass on Earth only. The Earth is subject to change. That change can be dramatic, and warming affects that change. This is a gamble we cannot afford to take. The truth is, though, there is no silver bullet. There is no one thing that will turn the tide. We need to go clean and green in driving, in heating, in cooling, in building, and fueling. We need to move away from fossil fuels. We need the Lieberman-Warner legislation.

By 2050, this bill would reduce emissions by 63 percent below 2005 levels or 57 percent below 1990 levels. So the legislation sets us on the path toward meaningful greenhouse gas reductions. It does so in a way that encourages innovation and makes the investment in cleaner energy and green practices across the entire economy. Importantly, it also includes important provisions to keep our economy strong. The bottom line: This legislation is a major step in the right direction. It is the most significant thing we can do right now to help prevent catastrophic climate change.

Let me take a few moments to talk about what the bill does. There are two ways to deal with this. One is a carbon tax. Most scientists want the carbon tax, but most people believe a new tax is not going to happen. The other alternative is a cap-and-trade system, much as Europe has been doing and much as the Northeastern States have been doing to deal with acid rain. They have reversed acid rain by 45 percent through their cap-and-trade system. This legislation establishes a cap-and-trade system for roughly 86 percent of the economy. It includes the electricity sector, manufacturing, transportation, and natural gas. It would be

the world's most comprehensive effort to address global warming to date. It controls emissions in more sectors of our economy than Europe's carbon control program. It would restore American leadership in the fight to protect our planet.

Here is how it works. In 2012, emissions are capped at 2005 levels. They begin to ratchet down 2 percent per year. By 2020, emissions would be 19 percent below current levels. By 2050, emissions would be cut to approximately 63 percent below 2005 levels by 2050, or 57 percent below 1990 levels. That is the cap part. The trade part of the bill allows for the trading of allowances, which are permits to release 1 metric ton of carbon dioxide into the atmosphere. It is a proven system. It is working well right now in the United States to control acid rain and smog pollution. It has given companies flexibility to innovate and embrace new technologies.

Under the bill, the pollution permits are allocated in a way that transitions our economy toward a low-carbon future. In the early years, one-third of the allowances will be allocated to polluting industries covered by the bill to assist with their transition to less carbon-intensive technologies. So one-third goes to those who pollute to help them convert. Revenue produced by selling allowances at auction will be used to invest in low-carbon technology development and deployment.

The bill funds carbon capture and sequestration, renewable energy, and other low-carbon technologies for producing electricity. That is a good thing. It funds efforts to retool car factories, to produce more efficient vehicles and ventures to develop cellulosic biofuels, two steps essential to reducing vehicle emissions. It funds efforts to increase the efficiency of buildings, homes, appliances, and it rewards States that produce significant emission reductions.

In later years, this bill refocuses its assistance toward worker training and financial relief for consumers. It is a good bill. It assists those in coastal and arid States who will have to adapt to sea level rise and rainfall loss. So it makes our world better off, but it also helps those who may have to shoulder an undue burden.

Here is the bottom line: This cap-and-trade bill significantly reduces emissions. It funds new technologies. It deploys existing low-cost options. It contains costs. It mitigates negative impacts. It effectively combats climate change, while protecting our quality of life.

I wish to take a few moments to talk in detail about some of the key provisions of the bill that are of particular note. First, the legislation includes language to establish Federal oversight for the new carbon market. This is something I learned, as a Californian in the Western energy crisis, that we need to do. A $100 billion market for the trading of carbon emissions is going to spring up as this cap-and-trade system is established. We need to be prepared. Just as there are those who manipulate the price of oil and the price of gas—and we in California found that out to the tune of $40 billion—this new market could attract Enron-like manipulation, fraud or excessive speculation, unless we take preventive action. This month Congress finally passed legislation in the farm bill to close the Enron loophole to protect electronic energy markets. It took us 6 years after the Western energy crisis to achieve that. It is time to learn from these mistakes. We need to take steps now to ensure that the market functions with transparency, as well as antifraud and antimanipulation provisions from the get-go.

Specifically, this legislation requires the President to establish an interagency working group, the carbon market working group. It is made up of the heads of the following agencies: the EPA, the Federal Energy Regulatory Commission, the Commodities Futures Trading Commission, the Securities and Exchange Commission, and the Treasury Department. Within 270 days of enactment of the bill, the working group would establish the regulatory framework for the market and recommend necessary regulations that ensure enforcement of core market oversight principles. These principles would include ensuring market transparency in price, volume, and other trading data—all of it made available to the public—requirements for record-keeping, an audit trail which, up to this point, doesn't exist on the electronic marketplace—but thanks to the Enron loophole closure bill, it will exist—and finally, preventing fraud, manipulation, and excessive speculation.

I was pleased to hear the Commodities Futures Trading Commission is now taking a look at excessive speculation in the oil market as a reason for the drive up of prices of gasoline. I will bet anything there is excessive speculation in that market today. These regulations would be fully enforceable by existing market oversight agencies, and violators would be subject to significant penalties. So it is critical we protect these markets from the outset. We cannot afford to delay.

Secondly, the bill promotes green practices for farmers and foresters. This is something I am very interested in. California is the largest ag State. The legislation includes language I authored to fund research on innovative and cost-effective methods for farmers and foresters to store carbon in the soil.

It is believed that farming and forestry practices to sequester carbon in the soil hold great potential to reduce our carbon footprint, and this is particularly true in my State. But the fact is, we do not yet know enough about the best ways to carry out carbon sequestration.

So this legislation would help shed light on a number of practices farmers and foresters can take to sequester carbon. The research would be funded through allowances for agriculture in the cap-and-trade system established by the Lieberman-Warner legislation. Some of these practices could include several methods popular in my State, including row crop practices such as conservation tillage—this is a picture of it—permanent crop practices, including planting cover crops during the winter season, and using prunings for bioenergy production rather than chipping, mulching, or burning the material, and practices to reduce the digestion-related emissions of methane gas from cattle and livestock. Once we understand which of these innovative methods is the most cost effective, farmers could then sell low-cost offset credits to companies that need to reduce their emissions. So this is a win-win.

Third, this bill promotes low-carbon fuels through a low-carbon fuels standard. Similar to the Clean Fuels and Vehicles Act, which Senator SNOWE and I introduced last year, this would require each major oil company selling gasoline in the United States to reduce the average life-cycle greenhouse gas emissions per unit of energy in their gasoline. The provision ensures that the car and truck emissions go down as we increase the use of low-carbon renewable fuel, such as cellulosic ethanol. By improving the renewable fuel standard, which requires the use of 36 billion gallons of renewable fuel by 2020, it assures that the climate benefits of this provision are realized.

My conclusion and my bottom line: Confronting global warming will require action on a broad scale. To those in this body who are dissenters, I say this: If we do not do it, when the science has coalesced, when the science tells us the time is limited, when the science tells us we cannot stop it because it does not dissipate—we must move away from carbon, and we must move to other kinds of fuels, and do so quickly, and we must take these steps to aid the conversion of American industry. Also, most important, this bill will signal that the United States, after a long period of doing nothing, is prepared to stand up tall and to lead.

I thank Senator WARNER and Senator LIEBERMAN for this legislation. I know the senior Senator from Virginia is on the floor. I know he is going to retire at the end of the year. I want him to know very personally from me how much I respect him.

I respect your leadership on this issue, Senator WARNER. I think it leaves you a great legacy. I only hope we will do justice to you by passing this legislation here today. So thank you so much for your leadership.

The ACTING PRESIDENT pro tempore. The Senator from Virginia.

Mr. WARNER. Mr. President, if I might just speak for 2 minutes.

I thank my colleague from California. I say to her, it has been a pleasure to work with you and to continue

to work with you in the Senate. Our primary responsibilities are on the Intelligence Committee, but you are a very diversified Senator and can seize many subjects and provide your expertise for the benefit of this Chamber. I thank you for your thoughtful, personal remarks and your very informative speech given this morning.

Mrs. FEINSTEIN. Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Georgia.

Mr. ISAKSON. Mr. President, I ask unanimous consent that I be able to speak for up to 15 minutes.

The ACTING PRESIDENT pro tempore. That order has already been entered.

Mr. ISAKSON. Mr. President, I wish to commend the Senate for assessing what is the most important issue confronting the United States of America today; that is, energy, its contribution to the environment, its costs, its availability, its future, and its impact on the economy.

I rise today to thank a number of people who have contributed to the body of knowledge I want to try to recite as best I can today: Michael Quiello, Caroline McLean, and Duncan Hill of my staff; Annie Caputo of the staff of the EPW; and three individuals back in Georgia, two alive today, one, unfortunately, who is deceased: Carl Knobloch, a distinguished man in our State of Georgia, who is probably the most ardent advocate for open and green space and the preservation of our environment of any one I know; Mr. Chris Sawyer, who is a distinguished lawyer, who represents many national organizations and many conservation organizations; and Mr. Bob Shearer. Bob passed away last year, but in the 1970s he had led the Georgia Power Company during the time it built the Plant Vogtle, a nuclear energy plant in Georgia that today provides affordable, reasonable, reliable, and inexpensive energy without emitting any carbon into the atmosphere.

Mr. President, I could not agree more with Senator FEINSTEIN's remark that it is time for us to put all of the issues and all of the solutions on the table. It is time for us to talk about everything we need to do to improve our environment, make energy more affordable, and protect our economy.

I think it is ironic that the legislation that will be before us is a piece of legislation that leaves out two subjects that are critical to being accomplished in what the bill portends. First, it basically leaves out any provisions for nuclear energy or the expansion of electricity through nuclear power. Second, it gives no attention to the single way we know to sequester carbon today. It talks about carbon sequestration in a prospective way but does not talk about the single way we sequester carbon today, which happens to be through Mother Nature.

So for just a second I wish to talk about nuclear power, and I wish to talk about conservation and open and green space. Both are included in two amendments that at some point in time in the debate I hope to be able to offer.

First nuclear—and Senator WARNER was kind enough to share with me an amendment he plans to offer on nuclear, which is a recitation of a number of facts that ironically I am going to recite in my remarks—and I commend him for doing that—the most important of which is that today in America, 73 percent of the noncarbon-emitting energy generated in this country is generated by nuclear. That 73 percent saves 700 million metric tons of carbon from going into the atmosphere.

You would think if you already know you are saving 700 million metric tons of carbon from going into the atmosphere and you know that 73 percent of your noncarbon-emitting energy is coming from nuclear, it would seem that if you want to reduce carbon emissions and carbon in the atmosphere, you would empower nuclear energy.

I think we should do that because regardless of your philosophy on global warming and climate change, carbon is making a difference, and it is in our geopolitical interest and it is in our environment's interest to reduce carbon—geopolitically because we buy less from Chavez, Ahmadinejad, and Putin, where we get a majority of our oil today. That is the geopolitical issue, and that is good for us to do. Environmentally, they are not exactly sure at Greenland what all is happening, but they are sure the carbon isotopes and the ice borings are much higher today than they were 30 years ago, and that is the one change.

So it is important to reduce carbon. But to leave out the single way we know to do it best, to leave out the empowerment of nuclear energy, to talk about it only in terms of reference and not in terms of action is, to me, disappointing.

The amendment I will offer—which I offered in committee—does a number of things.

First of all, it provides incentives for nuclear energy in terms of a 10-percent investment tax credit for the production of a new nuclear powerplant. By the way, solar tax credits today are 30 percent. This is one-third of the tax credit for solar. But 10 percent is a good incentive, and these plants are huge investments. That is No. 1.

Second is accelerated depreciation or recovery of investment over 5 years. That is appropriate.

Third, loan guarantees—loan guarantees and standby help—for an industry that in the 1970s, when Government stalled it and investment dollars went away, absolutely almost went bankrupt trying to continue to build the plants that today emit carbon-free energy in the United States of America.

Those three provisions—the standby loan guarantee, the investment tax credit of 10 percent, and the 30 percent in terms of depreciation and the 5-year depreciation recovery—make perfectly good sense, incentivize nuclear, and reduce the emission of carbon into the atmosphere.

I have a chart I will put up. It is very interesting on these subsidies, by the way. There are a lot of antinuclear people who talk about how the Government should not subsidize nuclear. Well, we subsidize almost every form of energy. Today in America, $24.34 of every megawatt hour produced by solar is a tax incentive, a Federal subsidy. On wind, $23.37 is a Federal subsidy on every megawatt hour. For nuclear, it is $1.59. That is the level of subsidy. Ten times or really twelve times the nuclear subsidy is what you pay for solar and wind, which give you 27 percent of your carbon-free electric energy, while nuclear gives you 73 percent.

The bill also deals with empowering the workforce. When we evacuated nuclear energy generation in the 1970s, something else evacuated in America, and that was the construction of nuclear equipment, and that includes all the employees the industry would need in a revitalized industry. So we focus on that and talk about trying to bring that back to the United States of America and to empower our workforce so we can build safe, reliable nuclear energy plants in the 21st century.

I have a number of quotes from the following members, in public debate, when we debated this nuclear amendment in the EPW Committee. Senator LAUTENBERG, Senator BAUCUS, Senator CARDIN, Senator CARPER, Senator WARNER, and Senator LIEBERMAN all made comments endorsing and embracing the fact that nuclear is a part of the solution. I would ask today, if it is a part of the solution, why is it not a part of the Lieberman-Warner climate change bill?

On conservation, for just a second. Carbon sequestration is something we need to perfect, and we do not know how to do it yet. We think we can find some caverns in the earth and we can sequester it there, but we are not quite sure. The technology is not there yet, nor is the cost, but we hope we can do it. But Mother Nature has been sequestering carbon for all time because that is the way the balance in our environment works. That is one of the issues.

So I have an amendment to propose which is a conservation easement tax credit amendment to incentivize the United States of America over the next 5 years through $25 billion in refundable tax credits to generate a fund to buy conservation easements in open and green space throughout the United States of America.

Since the founding of our country, 15 percent of our forest and open space and green space is gone forever to an impervious surface known as urban development. If that continues, then our own natural carbon sequestration system will be broken. So it is important, while we still have the open and green space, while we know where our wetlands are, where our rivers and waterways are, where our important ecosystem lands are, that we create a

mechanism for those lands to be protected, but not one where the Government goes and buys it—it costs you a lot of money to buy all this land—instead, to have a program where you create refundable tax credits, very much like the low- and moderate-income housing tax credits, $5 billion a year for 5 years, to be sold in the market, to raise the money for which you, in turn, allow 501(c)-qualified organizations, like the Trust for Public Land, the Conservancy, et cetera, the capital to go to out and, according to a statewide plan, buy conservation easements to protect in perpetuity those areas critical to our ecosystem and our country and, in fact, our environment.

It would seem to me that when you debate the most topical issue of the day, the most controversial issue of the day—the thing everybody wants to talk about—if you know there is only one way to sequester carbon, and that is through the natural process of nature—and protecting open and green space does that—and you know the only major supplier of carbon-free energy is nuclear, that you would make an investment in this act by seeing to it that you empower the future of the country to focus on conservation and nuclear and all the other sources available.

I am a Republican. I am not one who likes to throw partisanship out in any debate. I think you ought to win something on merit. But I think we and our party and the Democrats and their party need to look at this issue in a different perspective. A lot of us have our biases. It is time to put our biases aside. If there is a known solution out there where we can reduce carbon, expand our energy availability, and reduce costs, we ought to embrace it. Nothing should be off the table. Solar shouldn't, wind shouldn't, nuclear shouldn't, renewable shouldn't, biodiesel shouldn't; whatever it is, synthetic fuels, we should act now, and we should act boldly to see to it that while we work for the best interests of our environment, we work for the best interests of our citizens.

Our citizens today are paying more for gas and energy than they have ever paid before, and there is no end in sight. We have a debate today that if this bill passed in its form, it would raise that cost even more; by some estimates, $1.50 a gallon more. We are talking about serious business here. We need to be serious as Members of the Senate, as Members of the most deliberative body in the world, and make sure every option is on the table. For this Senator, that means expanding conservation easements for better sequestration of carbon naturally, and it means by reempowering the nuclear energy business to see to it that the one source of reliable, safe, carbonless energy that we know today in the United States is empowered for the 21st century.

Mr. President, I yield back the remainder of my time.

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

Mr. WARNER. Mr. President, I wish to commend our distinguished colleague from Georgia. I listened very carefully, and I appreciate his reference to the fact that I will be offering at the earliest possible time an amendment to lay some foundation in this proposed legislation addressing nuclear power.

As I listened to what the Senator from Georgia said, I basically agree. But as the Senator well knows, if we were to have included these provisions, either during the course of the committee markup or indeed now in the amendment process, we would get blue-slipped. This type of legislation, which I support, I say to the Senator, must originate—as he well knows having served—in the House of Representatives and then come to the Senate.

So as colleagues follow this and say to themselves: This Senator brings forth very constructive proposals, why didn't the managers put that in the bill, I think you would have to agree with me we would be faced with a blue-slip problem and our bill would come to a dead halt.

Mr. ISAKSON. Mr. President, I appreciate the distinguished Senator's—may I address the distinguished Senator through the Chair?

The ACTING PRESIDENT pro tempore. The Senator from Georgia is recognized.

Mr. ISAKSON. Mr. President, I appreciate the generous comments of the Senator from Virginia and the work he has put into this, and I would publicly acknowledge that in the committee and privately. The Senator has stated eloquently to me his support for the concept of expanding and empowering nuclear energy.

I also understand what our block is: the blue slip. I referred in my closing remarks: We have to start putting our biases aside to allow the full debate to take place on what we are going to do to lower energy costs and reduce carbon. If we talk about nuclear being good but aren't willing to address it and somebody is going to blue-slip or put a hold or kill a bill simply because it has nuclear in it, then we are not serious, in my judgment, about reducing the cost of energy, reducing the amount of carbon or dealing with the problem ahead. I am not speaking to the distinguished Senator from Virginia because I know where his head and his heart are, and Senator LIEBERMAN has expressed the same thing. But there are others—there are biases on both sides. We need to put our biases away and allow every viable alternative to be debated on the floor of the Senate and voted on. Up until the time we do that, we are wasting our time and, unfortunately, we are wasting a lot of our taxpayers' money who are paying exorbitant prices for the problem today.

Mrs. BOXER. Will the Senator yield?

Mr. ISAKSON. I am delighted to yield.

Mrs. BOXER. Mr. President, I wonder if the Senator knows that Exelon has given its support to this bill and also NRG and they are coal and nuclear and Exelon is nuclear. So I wonder if my friend understands that Senator WARNER is going to do an amendment, as he has said from day one, and I am sure you will help him with that amendment. The amendment probably has a very excellent chance of passing.

I wish to make sure my friend knows companies that build nuclear powerplants endorse this bill without any changes, although there are going to be more changes. Under some of the modeling, I wonder if my friend has looked at what the projections are for building nuclear powerplants without one amendment on this bill. Does my friend know the answer to my question? Has he looked at some of the modeling that we have gotten from this administration on this point?

Mr. ISAKSON. Mr. President, I thank the distinguished chairman. I am aware some of the companies that are in the nuclear business have endorsed this, and let me say this—and if I stand to be corrected, I would appreciate the Senator correcting me. But those who are heavily invested in nuclear that are operating today are in support of this because they are going to sell their carbon credits to those who are not heavily invested in nuclear and are generating coal. That motivation is a motivation that is economic as much as anything else.

What I would like to see is for us to get everybody on a level playing field, where we have more nuclear and we have less coal and we have less gas and we have less oil-generating electricity. Then we will be better off. So this is a winners and losers game in terms of the carbon tax or the carbon credits. Those who have a low-carbon footprint are going to have credits to sell and those who have a high-carbon footprint who use coal or oil are going to have to pay a lot of money to buy it. That is why there are some biases in these industries that are for and against.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mrs. BOXER. Mr. President, if I might ask unanimous consent for 5 minutes so the three of us can engage because I think this is a very important point.

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

Mrs. BOXER. First of all, I think for my friend to say these two companies have no future plans to build powerplants or expand the plants, that makes no sense. I haven't read their annual report, but for him to say the only reason is because they are going to make some money off the allowances—I don't think he is looking at the plans for these companies, No. 1, but they can speak for themselves.

The second part, which my friend didn't answer, is that in the modeling we have seen, without one amendment, it looks as if there will be built, over the period of the lifetime of this bill, 150 nuclear plants. So without one amendment—and there are going to be amendments—and I have never been a great fan of nuclear energy. For one reason, I worry about the waste. I worry about the waste. I worry about having all this waste. So that is my issue. I have said many times there are a few of us who care about that, and there are others who seem to feel comfortable it is totally safe. We will have that debate.

But the fact is, when you pass legislation such as this, there is a winner. The winner goes to those energy sources that don't produce carbon just on its face. That is why we give so much for clean coal, because we are trying to make sure we keep going with coal and that it is clean coal.

So I would say to my friend, and then I will yield my time to Senator WARNER to go back and forth—I am pleased he came over here. I love working with Senator ISAKSON. He is a friend. He is a pal. We don't see eye to eye on this particular issue because I believe that to have people who are nuclear powerplant proponents say this bill doesn't do enough, means they haven't looked at what the projections are ipso facto because it is a clean energy source, in terms of carbon. I wished to make that point. But I wish to thank my friend for the tenor and tone of his remarks.

I yield the remainder of my time to Senator WARNER.

Mr. WARNER. Mr. President, I thank the chairman. I would say to my good friend from Georgia, I have talked extensively with a wide range—as you have—of the industrial individuals who represent nuclear plants today and are forthcoming. The chairman is quite correct. A number of these companies are planning to go ahead boldly and courageously and build new plants. Given the uncertainties of where they are going to get the parts, can they be manufactured in the United States; given the uncertainties as to whether there are enough trained people to operate these plants, they are going ahead. So I don't believe it is just a profit motive.

But as I talk to these individuals, it is clear to me they are watching the jurisdiction of the Energy Committee as having a great proportion of the nuclear responsibility; the Tax Committee, and they cautioned against trying to do too much in this bill for fear of interrupting a process that is in place with the Energy Committee, the Tax Committee, and such other committees as deal with nuclear power because that responsibility does spread over quite a number of committees within the Senate. So we could not simply put into our bill, recommended by way of amendment at this time, such a comprehensive amendment because we know it is disruptive to the work that apparently is going on in other committees as it relates to nuclear power.

But perhaps I will reflect on this as to whether I could add in my amendment, or the Senator from Georgia might wish to modify my amendment and take those portions of his which do not impact blue slip—I think that is something we don't want to get tangled up with—and doesn't infringe on the jurisdictions of the other committees and see if we can make it work.

Mr. ISAKSON. Mr. President, I thank Senator WARNER. To Chairman BOXER, first of all, if I said—I very well could have—if I said I knew they weren't going to build more powerplants in the future, I didn't mean to say that. What I meant to say was those nuclear companies that were the most supportive were the ones that were way ahead in the building of nuclear plants already generated far more carbonless energy because of that and were going to sell their credits—and I am a business guy; I think making money is a great deal—are going to sell their credits to those companies that are more coal- and carbon-producing friendly.

You are right, I didn't talk about the modeling. The modeling does project more plants in the first 42, 43 years of the life of the bill to 2050. However, I would submit to you, a modernized nuclear title would allow those plants to come on safely, more quickly, and could more quickly address the carbon issue than the way we are currently caught in this conundrum of the anti-nuclear versus the pronuclear, so we do nothing to empower an industry that we know generates 73 percent of our carbonless energy today.

But I thank the distinguished chairman for her patience, the distinguished Senator from Virginia for his contribution. I look forward to working with you in any way I can to hopefully move us forward.

I yield back the remainder of my time.

Mr. WARNER. Mr. President, again, I commend our colleague for a very constructive contribution to the dialogue on this bill.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee is recognized for 20 minutes.

Mr. CORKER. Mr. President, I rise to speak about the Lieberman-Warner Climate Act. I understand I have 20 minutes.

The ACTING PRESIDENT pro tempore. That is correct.

Mr. CORKER. I ask that the Chair notify me when I have 5 minutes remaining.

I wish to say I am very excited to be on the floor today. I have tremendous respect for the sponsors of this bill and all those who have been involved for some time. I think everybody knows by this point that while there are a number of arguments regarding the bill that is on the floor, I choose not to debate the science. I accept the fact that we as a country and we as a world need to address this issue.

I came to the Senate to focus on the big issues our country has to deal with. I saw this as one of those issues. For that reason, a year ago, I accompanied Senator BINGAMAN to Brussels, to Paris, and to London, where I sat down with carbon traders and with European Commission members. I met with cement manufacturers, utility providers, and all those involved, if you will, in this debate in Europe.

I also was fortunate enough to accompany the chairman, Senator BOXER, to Greenland to see the poster child, if you will, of what this debate in some ways is about. Ever since that time, I have been fixated, if you will, on the goal of figuring out a way that we as a country can put in place policies that allow our GDP growth, we can continue to ensure a better standard of living for those coming after us, having energy security as a country, and making sure we have climate security all at the same time. That has been my goal. I have seen, actually, this debate that is taking place this summer right now as a tremendous opportunity for us to come together as a country and to focus on those things.

Some of what I saw in Europe were unintended consequences, things such as fuel-switching that took place, when people move from coal to natural gas and all of a sudden found themselves very dependent on an unfriendly government—Russia—to supply natural gas and using that political clout, if you will, over some of those countries that were dependent. So I have worked with Senator WARNER and with others to try to craft legislation that I think works for our country.

I see this as a tremendous opportunity; I do. A lot of people think this is not a good time to be talking about climate change legislation. They say that because we have $4 gasoline at the pumps, this is a terrible time to be talking about legislation of this nature. I actually think this is a perfect time to be talking about it. I think there is a passion in our country, exhibited by the chairman, to address the issue of climate change. I think there are many people in our country who feel that same way. I think Americans throughout our country, seeing the prices at the pump, are feeling very vulnerable as it relates to their own energy security and realize that we as a country need to have a comprehensive energy policy that we do not have today. So I see this tremendous opportunity for these two groups who have been at odds for so many years—actually generations—to actually come together and to do something that is good for our country, both from the standpoint of the environment but also making sure our country is energy secure.

Now, I am going to say something I know that may not be that well received, but I think this bill, unfortunately—and with all the respect that I have for the sponsors—I think this bill unfortunately squanders that opportunity.

The reason I say this bill squanders that opportunity, instead of addressing those two things I mentioned in a pure fashion, we have resorted to the old-time politics of making sure we support various interest groups around our country and spread trillions of dollars around the country to try to win support for this bill. I think that is a shame.

I plan to offer some amendments I will discuss at the right time. Let me make sure the American people understand what happens with cap-and-trade legislation. Most Senators do. What this bill contemplates is capping the amount of carbon emissions our country emits, and then reducing that cap over time, from the year 2012 to the year 2050, and establishing a price for that carbon by creating an auction. It would be much like if Senator DOMENICI and I and Senator WARNER decided we were going to create a company, and what we did was allocated ourselves shares of that company, and in order to make the company grow, we sold public shares in the marketplace. Those shares would generate income into our company and allow us to grow, if that is what we wanted to do. But the day we went public, it would enrich us. Those allocations of shares we allocated to ourselves would enrich us immediately because they become marketable securities.

Obviously, what this bill does is, No. 1, takes trillions of dollars into the Treasury beginning in 2012 through an auction process; in other words, we sell carbon allowances on the public market. On the very day that occurs, the allowances that are talked about as if they mean nothing become marketable securities, and they enrich all of those entities that receive those allocations. That is where I think this bill misses the mark.

The auction proceeds that come in with this bill—let's be fair and I will not use words that are demagogic—when we pass cap-and-trade legislation, we all understand it increases the cost of energy that is generated through fossil fuel. That is a fact. That is petroleum, diesel, coal, ethanol, all of those things that, when they are consumed, emit carbon and will cost more on day one. So the American public is going to be paying for that.

Everything Americans buy—if this bill passes—that has something to do with energy will increase. When they go to the gas pump, it will cost more. When they pay their utility bills at the end of the month, it will cost more. When they buy food and clothing, it will cost more.

What this bill, unfortunately, does is takes in trillions of dollars—by the way, the EPA has modeled this based on a price of $22 per ton for carbon in the beginning. I want people to understand that today, in essence, in London carbon is selling for $41 a ton. Based on the modeling, this bill, over its life, transfers wealth of $6.7 trillion. But if it were, say, based on the prices of carbon today in London, it might be as much as $13 trillion.

We all know if this bill passes, every American will pay more for energy, and I understand that. By the way, I want everybody in this body to know I am open to discussing cap-and-trade legislation that takes our country in the right direction. What I am so opposed to—and I am so saddened by the fact that this bill does this—is this bill takes trillions into our Treasury and then, in a prescribed way, much of it in nondiscretionary spending, spends that money from the year 2012 through the year 2050. We have talked a lot about earmarks in this body. This is, in fact, the mother of all earmarks—to make sure I am neutral, it is the mother and father of all earmarks. This, in essence, creates an entitlement program from 2012 through 2050. I don't understand, if proponents want to affect our climate, why they don't take those trillions in and then immediately redistribute all of those dollars back to the American citizens. The reason is—and I am sad to say this—this bill attempts to win support of the American people and interest groups throughout our country by the same old thing that has gotten our country in trouble today, and that is spreading this money around to the various interest groups throughout the country and prescribing the spending in a way that I don't know of any bill since Medicare or Social Security. I don't know of a bill that has done this to this extent in modern times.

Another piece that goes unnoticed is the allocation process. This bill allocates out to entities all across this country carbon allowances. Those are marketable securities. It is the same as owning a share in IBM. It is a tremendous transference of wealth. Twenty-seven percent of the allocation in this bill goes to entities that have nothing to do with emitting carbon. I have no idea why we would do that in legislation of this nature. I think it is reprehensible. One of the reasons we see so many people walking the halls of our Senate offices in tailored suits, carrying nice briefcases, is that people who are in the know—I know the Senator mentioned some of these companies—realize this is a tremendous transference of wealth. If they sit at the table and they have something to do with how these allowances are allocated, that might be better for them even in operating their companies, as well, because we are creating a situation that transfers trillions of dollars of wealth.

I am going to be offering some amendments, and I am disturbed that some of the sponsors have indicated these are poison pill amendments. I have focused solely on the policies of this bill. I have never used demagogic language to describe this bill—never. I have never tried to debate the science. I am trying to focus on the policies of the legislation.

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

Mr. CORKER. I will yield when I finish. I know the Senator has spent a tremendous amount of time on this, and I respect that.

The reason we have cap-and-trade legislation being discussed is the fact that we want to limit the amount of carbon emissions that come out of our country. So one of the other pieces of the bill that, to me, is truly offensive is that this bill allows for something called international offsets, which is nothing more—again, I will go into this in detail when I offer an amendment—this is something that encourages companies in our country to go through a loophole so they don't have to pay the full price of carbon, and actually spend billions of dollars in countries such as China, where we already have tremendous trade deficits.

I absolutely have no understanding of why we would permit that in a bill such as this, which is being designed to limit carbon emissions in our country. These international offsets have been documented to be fraudulent. We have had tremendous problems in working through the United Nations to administer these programs. I have no idea why international offsets, which have been so fraudulent and have nothing whatsoever to do with lowering emissions in our country, would be part of this bill.

Let me say, in general, I realize we are not going to pass a bill this year, in all likelihood. I think that, in many ways, is regrettable. I think we as a country, right now today, when the American people are feeling very vulnerable—and right now we have many Senators in the Chamber who have such a passion as it relates to climate security—I think it is regrettable that we cannot come together and, as a part of this legislation, add many components—for instance, that one which PETE DOMENICI from New Mexico led us on—and create a bill that doesn't just address climate but also addresses our country's energy security.

The American people are looking to us right now to act like adults. I have to say I am not sure that as a country, for the last several years, for some period of time, we have owned up to our country's major problems. We have not done that. We have a tremendous opportunity in this body this week and next week to address our country's environmental issues simultaneously with energy security. I think that is what the American people are looking to us to do.

I regret the fact that this bill, instead of being about climate security, instead of being about something that drives our country toward using technology that would cause our country to be energy secure, has ended up being about money. It has ended up setting up a command-and-control economy.

Look at these various wedges on this pie chart. I could show many more. It is an amazing thing that from the year 2012 through the year 2050, over a trillion dollars of this money is pre-prescribed. It is amazing that, as it relates

to technology, there is a five-person board that has been set up to decide where the trade of dollars will be spent. I cannot imagine this body—I cannot imagine it—approving legislation of this type.

What I hope will occur is that the American people will become aware of what this debate is about. I hope all of us will have a constructive debate in this body. My goal and hope is that we as a body will come together around climate change and energy security in an appropriate way and in such a way so those generations coming after us will have a better quality of life.

Mr. KERRY. Will the Senator yield?

(Several Senators addressed the Chair.)

The ACTING PRESIDENT pro tempore. The Senator from California is recognized.

Mrs. BOXER. How much time does the Senator from Tennessee have remaining?

The ACTING PRESIDENT pro tempore. Three and a half minutes.

Mrs. BOXER. Mr. President, Senator KERRY wishes to question the Senator, if it is OK with the Senator from Tennessee. After that, I wish to be recognized for unanimous consent requests and perhaps an additional minute or two, to be followed by Senator WARNER for 2 minutes and Senator DOMENICI for 2 minutes. And then——

Mr. DOMENICI. Mr. President, I want time.

Mr. SPECTER. Parliamentary inquiry, Mr. President.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania will state his inquiry.

Mr. SPECTER. It is my understanding that I have 15 minutes at 12:15, which I have been waiting for all morning.

The ACTING PRESIDENT pro tempore. Yes, following the Senator from Tennessee.

Mr. SPECTER. I thank the Chair.

Mrs. BOXER. I wish to have 2 minutes to do unanimous consent requests before my friend starts. I know Senator WARNER wishes 2 minutes. The remaining time would be between the Senator from Tennessee and the Senator from Connecticut.

Mr. SPECTER. Mr. President, I am agreeable to defer my 15 minutes, which is scheduled to start at 12:15, for 2 minutes for Senators BOXER and WARNER. I don't understand what followed that. So I wish to proceed at that time with that.

Mrs. BOXER. Yes, that is exactly what I said.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KERRY. Mr. President, if I understand, the Senator from Tennessee has some time left. I did rise to ask a question. The Senator said he would be happy to answer the question.

The ACTING PRESIDENT pro tempore. Is there objection to the unanimous consent request?

Mr. DOMENICI. I object.

Mr. SPECTER. Reserving the right to object, I don't know what the request is.

Mrs. BOXER. I will reiterate it. It is that Senator CORKER finish his 3½ minutes and do a colloquy back and forth with Senator KERRY; that immediately following that, I have some time to make some unanimous consent requests and have a minute to comment on what has transpired, and that be followed with 2 minutes for Senator WARNER. So far we are 3 minutes delaying Senator SPECTER. Senator DOMENICI said he did want some time, or did not?

Mr. DOMENICI. Let me say, I am going to ask the Senator from Tennessee to yield to me a minute of his time to answer a question, or ask a question on his time.

Mr. SPECTER. Mr. President, reserving the right to object, and I do intend to object, I have already said I would be willing to yield 2 minutes to Senator BOXER and 2 minutes to Senator WARNER, where Senator BOXER then added some amorphous language about an exchange between the Senator from Tennessee and the Senator from Massachusetts. I don't understand what that is and how long.

If I may finish, Mr. President. If I may finish.

Mr. CORKER. I will take my time back.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania has the floor.

Mr. SPECTER. I have been waiting a while. I would like to have my time which has been locked in and for which I have been waiting. Beyond the yielding to Senator BOXER for 2 minutes and Senator WARNER for 2 minutes, I will object to anything further.

Mr. KERRY. Regular order, Mr. President.

The ACTING PRESIDENT pro tempore. The time of the Senator from Tennessee, 3½ minutes, has expired. Is there objection to the unanimous consent request?

Mr. SPECTER. Mr. President, will you restate the unanimous consent request?

Mr. DOMENICI. Parliamentary inquiry: How did his time expire?

The ACTING PRESIDENT pro tempore. Through this conversation.

Mr. DOMENICI. This conversation is automatically charged to him?

The ACTING PRESIDENT pro tempore. Yes, he had the floor.

Mr. CORKER. Mr. President, if I could, I think what they have asked for is 3½ minutes plus 4 minutes, for 7½ minutes. The Senator from Pennsylvania, whom I admire and respect—I have sat here many times waiting for every Senator on this floor to speak. This is an important topic, and I hope he will allow Senators on the other side of the aisle to have a little discussion right now for 7½ minutes, and then we will stop.

Mr. SPECTER. I will be glad to add to the 4 minutes 3½ additional minutes which Senator CORKER asked for on the condition that be the extent of it.

Mrs. BOXER. Yes.

The ACTING PRESIDENT pro tempore. Is there objection to the unanimous consent request? Without objection, it is so ordered.

The Senator from Massachusetts, I believe, is recognized for a question for the Senator from Tennessee.

Mr. KERRY. Mr. President, I listened to the Senator from Tennessee calling this bill a spending bill—in fact, an entitlement bill. I ask the Senator from Tennessee—I believe the Senator from Tennessee voted for farm subsidies. I believe the Senator from Tennessee voted for capital gains tax reduction. I believe the Senator from Tennessee voted for the oil and gas depreciation.

I would like to know from the Senator from Tennessee, if those are not subsidies, how he distinguishes incentives that change behavior that are market driven. You either take advantage of it or you don't. Nobody commands and controls. It is up to the individual company. Why is the effort to have a transfer of a payment that is an incentive for different behavior any different from any of those things for which the Senator from Tennessee has voted?

Mr. CORKER. Actually, I am glad the Senator from Massachusetts brought that up. That is the portion of cap-and-trade legislation that I believe is appropriate. Unfortunately, what this bill does is it takes in trillions of dollars and then pre-prescribes how that money is spent, going out into areas to people who have nothing whatsoever to do with emitting carbons. Twenty-seven percent of the allocations go out to entities in this country that have nothing whatsoever to do with emitting carbon. That is a huge unnecessary transference of wealth.

I would like to yield some time to Senator DOMENICI. I answered the question, and I would love to debate the Senator further on the floor. I know we have the Senator from Pennsylvania.

Mr. DOMENICI. Mr. President, I want to say to everyone in the Senate, in all honesty, they ought to have a chance to hear the Senator from Tennessee. If they haven't, they ought to read what he said because there is no question that I, as a rather informed Senator, had no idea what this bill does until I listened to him and then looked at it.

It is absolutely incredible that we are thinking of a bill such as this to solve climate change when, as a matter of fact, it is going to be the biggest redistribution of wealth we have ever adopted in this Senate, and we are not even sure it will accomplish anything very significant toward the reduction of carbon dioxide as an impediment to climate change.

I cannot understand why we would be doing this. One little piece is a commission of five men who will distribute allocations pursuant to this legislation, totally at their discretion, a trillion dollars or more. Who on God's Earth would think that is in this bill?

But it is. I commend him. I hope he comes here two or three times and explains again in more detail what this bill does.

I am not against legislation for climate change, but I am convinced that we better do something for the American people on bridging crude oil use, crude oil development, putting some of the things we need in place for energy before we put this legislation in place. I think the American people will soon understand that.

Mr. CORKER. Mr. President, how much time is left?

The ACTING PRESIDENT pro tempore. The Senator has 15 seconds.

Mr. CORKER. Let me just say, I hope we have further debate. I respect people on both sides of the aisle. Surely, we can come up with a way to make sure our environment is appropriately dealt with and that we have energy security——

The ACTING PRESIDENT pro tempore. Time has expired.

Mr. CORKER.—and not cause this to be a burden on Americans as it is by prespending trillions of dollars.

The ACTING PRESIDENT pro tempore. Time has expired. The Senator from California.

Mrs. BOXER. Mr. President, we all respect each other, but I have to say, I don't think my friend from Tennessee understands this bill at all. All I can say is, he couldn't understand it because the biggest piece of this bill, OK, is funds for the American people, a big tax cut. If my friend opposes a tax cut, he ought to say it. It is a huge tax cut for the American people to help them deal with the increases in gas prices.

Right now, under this President, we have seen a 250-percent increase in the cost of a gallon of gas, just in 7 years. We have no resources. This bill gives us the resources. It gives us consumer relief.

My friend from Tennessee used very harsh words, in my opinion, to attack a bill that really does address the issue of global warming, addresses the issue of energy independence. And for him to call it command and control is rather a joke since we specifically rejected a carbon tax and we allowed the free market to set a price on carbon.

As to Senator DOMENICI's statement, again, he says it will do nothing. Read the modeling. We do what we have to do in this country to exert the leadership to decrease these greenhouse gases, and we do it in a way that has won the support of business, labor, and huge numbers of people across this country, including the U.S. Conference of Mayors and Republican and Democratic Governors.

Mr. President, I ask unanimous consent that when we resume after lunch that I be recognized to speak for up to 30 minutes, followed by Senator INHOFE to speak for up to 30 minutes.

Mr. INHOFE. Reserving the right to object.

Mr. KERRY. Reserving the right to object, it is my understanding, there was an order in place——

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. INHOFE. Reserving the right to object.

Mr. WARNER. Reserving the right to object, I thought I had 2 minutes.

Mrs. BOXER. The Senator does.

Mr. WARNER. Then at the appropriate time the Chair directs me, I will use the 2 minutes.

Mr. KERRY. Mr. President, I simply would like to ask we modify that request because I was going to follow, but we have chewed up a lot of time now and we have our caucuses. I am happy to go after Senator INHOFE and Senator BOXER, or I am happy to go before, whatever they prefer, but I think we ought to do it after the caucuses now at this point. I ask the Chair what her pleasure is.

Mrs. BOXER. If my colleague agrees.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, the understanding was that Senator SPECTER would be next for 15 minutes, and after that, the Senator from Massachusetts. If it is the Senator's preference to wait until afterwards, I have no objection to that.

Mrs. BOXER. And Senator WARNER has 2 minutes.

The ACTING PRESIDENT pro tempore. Is there an objection to the request as modified?

Mr. SPECTER. Mr. President, what is the pending unanimous consent request?

The ACTING PRESIDENT pro tempore. To allow the Senator from California and the Senator from Oklahoma to each have 30 minutes after we come back from the recess.

Mrs. BOXER. Followed by Senator KERRY.

The ACTING PRESIDENT pro tempore. To be followed by the Senator from Massachusetts. Is there objection?

Mr. INHOFE. I object.

Mrs. BOXER. I thought you said it was OK.

Mr. INHOFE. Let's just try a new one. I ask unanimous consent that the Senator from Virginia be recognized for 3 minutes, followed by the Senator from Pennsylvania for 15 minutes.

Mr. SPECTER. That is this morning, now.

Mr. INHOFE. All this takes place prior to the break for lunch.

Mr. REID. Mr. President, is there a request that we go past 12:30?

Mr. INHOFE. My unanimous consent request, I say to the distinguished leader, would postpone the 12:30 recess for lunch for about 10 minutes.

Mr. REID. I will just say, I have no problem if the lunches don't start until 20 till 1, but anything other than that, I respectfully have to say I hope people can come after the Senate picture this afternoon. I know comparing it to global warming, it is not a very important issue. Staff has worked some 6 weeks to set up this place to take the picture at 2:15. Both caucuses have a lot to talk about. Senator KERRY has agreed to wait until after lunch. That will be fine.

The ACTING PRESIDENT pro tempore. For the record, we have not disposed of the unanimous consent request. But if my mathematics is correct, that unanimous consent request will take us up to 15 before 1. Is there objection to the unanimous consent request by the Senator from Oklahoma? Without objection, it is so ordered.

The Senator from Virginia.

Mr. WARNER. I thank the Presiding Officer. Mr. President, I say to my good friend, this has been an excellent debate he engendered on this floor. This is what we should have. This is the only way we are going to resolve this issue of global warming. I urge the managers to consider building in a little block of time after speakers, such as there can be some colloquy taking place rather than just one speaker, another speaker, reading a speech or delivering a speech. This is what it is all about.

Mr. President, I say to my good friend, he and I have worked on this issue over a period of about 2 or 3 months. I have worked on it for 8 months. I don't claim any special credit. But if the Senator feels so badly about this bill, why haven't he and others brought to the floor a companion bill to replace this and to solve the problems he has? It is one thing to come in here and hail damnation on what we have done by means of putting this bill together, but if it is going to be a constructive process, show us—

Mr. INHOFE. Will the Senator yield?

Mr. WARNER. Let me finish the statement, and I will yield the floor—a comprehensive bill that will work to the satisfaction of a majority of the people here. For example, you talk about this board, seven men. Let's say there might be a woman or two on it.

Mr. CORKER. I didn't say ''men.'' I said five people.

Mr. WARNER. The point is, if we look at section 435 of the bill, it says that chart the Senator has up there has to be approved by the Congress.

Mr. CORKER. It can only be vetoed.

Mr. WARNER. Nevertheless, you omitted any reference to the fact that Congress has a hand. If you look at the amendment I have thrown in, the President of the United States, at any time he or she desires, can go in and change that. So it is not as if we have unleashed this bill in perpetuity. There are a number of checks and balances in this bill to protect the very issues that the Senator states.

Mr. CORKER. Mr. President, if I may proceed, because my name has been brought forth, for 60 seconds.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. CORKER. First of all, this bill, in black and white, prespends over $1 trillion with no congressional oversight. The Senator from Virginia is right on the one portion to which he was referring. We can either veto it or approve

it, but we have no say-so on how those technology moneys are spent.

I object to the comment about me being a Johnny-come-lately. I have been very transparent about this legislation. I have authored three very detailed amendments, sent them to every colleague in this Senate, and have given the background to them. I have been totally transparent throughout this process. I have made public presentations about the three amendments that I think would make this bill far better—things that people call poison pills. I think the Senator knows I certainly have not come to this debate at a late time, and I plan to offer those amendments.

The ACTING PRESIDENT pro tempore. Time has expired.

Mr. WARNER. Mr. President, I agree with what the Senator has said.

The ACTING PRESIDENT pro tempore. Time has expired.

The Senator from Pennsylvania.

Mr. SPECTER. I thank the Chair. It has been a little tough getting these 15 minutes, but I am glad to have them.

Mr. WARNER. The Senator showed courtesy in getting them.

Mr. SPECTER. Mr. President, I sought recognition to discuss a number of amendments which I will be proposing to offer. I intend to offer an amendment on emission caps because of my concern that the emission caps which are set in the Lieberman-Warner bill cannot be obtained.

I believe the problem of global warming is a major problem and we ought to deal with it, but I think we have to deal with it within the realistic bounds as to what the technology would permit, and it is going to be very difficult to get 60 votes to oppose cloture, and if a legislative proposal is on the floor which is unattainable, we are going to end up getting nothing. So it is my intention to take the emission caps from the Bingaman-Specter bill and offer them as an amendment to the Lieberman-Warner bill.

I intend to offer a second amendment—a cost-containment safety-valve amendment. This amendment will include the so-called technology accelerator mechanism which has been included in the Bingaman-Specter bill, and will provide a very important safeguard on the legislation.

I intend to offer a third amendment on international competitiveness. It is vital that we not structure legislation which will put United States industry at a substantial disadvantage. On February 14, I testified before the Senate Finance Committee on this subject, noting that China wishes to have 30 years, and by that time there will be no steel industry. So there have to be restrictions on steel illustratively coming in the United States, and this amendment on international competitiveness will deal with that subject.

I intend further to offer an amendment captioned ''Process Gas Emissions,'' because there is no technological alternative to a company's annual requirement to submit emissions allowances.

Finally, there is a potential fifth amendment, which I am not yet certain about, and that would involve the pathway to the future for coal amendment.

The statement was made earlier in the past half hour about Senators not understanding this bill. I think that is a real problem. This is an extraordinarily complex bill. We have had the Warner-Lieberman bill, then we have had the Boxer bill, a second bill, and now I understand there is going to be a third substitute. So as we are working through the amendments which I have articulated, it is a difficult matter, with the topography changing and with the underlying bill changing, and it is my hope this bill will remain on the floor with procedures to give Senators sufficient time to take up the very important matters which are at hand.

The first and most fundamental one is to have enough debate so that there is an understanding of the bill. I agree with my distinguished colleague from Virginia, Senator WARNER, who a few moments ago asked for time so there could be debate and an exchange. Too often speeches are made on this floor without an opportunity for debate and questioning and cross-questioning to get to the very important matters. There has been some speculation that the procedure that will be employed by the majority leader—so-called filling the tree—would preclude further amendments. I hope that will not be done here. Regrettably, it has become a commonplace practice, going back with Republican majority leaders and Democratic majority leaders, so that the filling of the tree has made a very fundamental change in Senate procedure, which traditionally has been that a Senator could offer an amendment on any subject at any time and get a vote.

When the tree is filled, obviously matters cannot be debated and efforts for cloture cannot move forward. This is a matter which has awaited a fair amount of time. It is complex. And if Senators are not able to offer amendments, such as the amendments which I am proposing to offer, there is no way to find out what the merits of the bill are and what the merits of the amendments are.

On the subject of filling the tree, I have had for months now an amendment on a rules change filed with the rules committee which would alter the authority of the majority leader to employ the so-called procedure of filling the tree.

Another concern which is related has been the shift in the practice of the Senate on the filibusters. There had been a tradition in the Senate that when somebody offered a bill, and there was opposition and the opposition intended to conduct a filibuster—that is to deny a vote unless 60 votes were obtained to cut off debate—that there would be that kind of debate. Most recently, we have seen the practice employed that if someone says there is an intent to have a filibuster, there is a motion to proceed for cloture on a filibuster, there is a 20-minute vote, and when cloture is not invoked, the matter is eliminated.

Recently, we had a very serious piece of legislation coming to the floor which sought to change a ruling of the Supreme Court of the United States on the rights of women to obtain relief, where the Supreme Court had imposed a 6-month statute of limitations in a situation where the woman who sought relief didn't even know she had a cause of action within the 6 months. Well, that matter came and went so fast on the Senate floor that nobody knew what it was about. Had the proponents of that legislation debated it, brought it to public attention, and had the opponents of the legislation, who wanted to filibuster it, engaged in extended debate, the public would have understood what was going on.

So the matter of having adequate time to debate this very complex legislation is very important. And if there is to be any possibility of finding 60 Senators to coalesce around a cloture petition, 60 Senators to agree on legislation, Senators are going to have to have an opportunity to offer their amendments. There is great therapy in being able to offer an amendment, even if it is not accepted. But we can hardly engage in a practice of filling the tree, where Senators are not permitted to offer amendments, and expect to have this bill move forward, people understand it, and find 60 Senators who are willing to come together on the very important piece of legislation which is at hand.

Mr. President, I ask unanimous consent that there be included in the RECORD at this time a summary of the sheet of the five potential amendments I intend to offer, and an explanation of the amendment on the cost-containment safety valve, an explanation on the amendment on international competition, an explanation on the amendment on process gas emissions, and the single sheet which explains the proposal on a possible pathway to the future for the expanded use of coal amendment.

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

POTENTIAL SPECTER AMENDMENTS

Emissions Caps/Targets Amendment.—Substitute the Bingaman-Specter (S. 1766) emissions limits in place of the Lieberman-Warner limits.

Lieberman-Warner	Bingaman-Specter
2012—cap at 2005 level	2012—cap at 2012 level.
2020—15% below 2005 (1990 levels).	2020—cap at 2006 level.
2030—30% below 2005	2030—cap at 1990 level.
2050—70% below 2005	2050—≥60% below 2006 contingent on international effort.

Cost-Containment Safety-Valve Amendment.—Include the so-called ''safety valve'' or Technology Accelerator Mechanism that was included in the Bingaman-Specter bill; that provision states that if the price for an allowance for each ton of greenhouse gas

(Carbon Dioxide equivalent) being traded on the open market reaches a certain level, then regulated entities have the option of purchasing additional allowances directly from the government at a set price; specifically, we set the price at $12 per ton, rising 5% over inflation annually.

International Competitiveness Amendment.—Address the standard used to determine if our trading partners are taking ''comparable action''; restrict an Administration's ability to simply waive requirements on importers; bring the compliance date in line with the start of the program (i.e. 2012, rather than 2014 in the new version—changed from 2020 in the original); revise provisions added for ''downstream'' products that may ironically result in exempting the ''upstream'' inputs like steel; include all countries, not just large emitters; and equalize the ability of U.S. and foreign entities to purchase international allowances to meet the requirements.

Process Gas Emissions Amendment.—Clarify that process gases for which there is no technological alternative will not be counted in a company's annual requirement to submit emissions allowances.

Pathway to the Future for Coal Amendment.—Potentially including provisions: Providing technology funding and incentives; adding a carbon dioxide storage liability framework; adding a safety-valve; aligning emissions caps/targets with technology; improving allocations; addressing duplicative State programs; and other issues.

EMISSIONS CAPS/TARGETS AMENDMENT

As I stated yesterday, I have serious concerns about the stringency of the emissions reductions in the Lieberman-Warner ''Climate Security Act.'' There is great concern in the industrial, electric, and general business sectors that these emissions levels are unattainable without serious demand destruction in the form of lost jobs and production in the U.S. that would result from higher cost.

If we do not set the emissions caps at a reasonable level, the supply and demand situation set up under a cap-and-trade program will impose high costs by definition. I intend to propose an amendment to substitute the Bingaman-Specter (S. 1766) emissions limits in place of the Lieberman-Warner limits. This will more closely align technology development with the emissions reduction targets.

In my view, the most important thing our nation can do is start a mandatory climate change reduction program as soon as possible. If we wait until there is consensus among important stakeholders from both sides of the equation, we will lose another year or two or three that we frankly do not have.

Emissions targets/caps

Bingaman-Specter 2012—cap at 2005 level.

2012—cap at 2012 level 2020—15% below 2005 (1990 levels).

2020—cap at 2006 level 2030—30% below 2005.

2030—cap at 1990 level 2050—70% below 2005.

2050—60 percent below 2006 contingent on international effort.

COST-CONTAINMENT SAFETY-VALVE AMENDMENT

Senator Bingaman and I worked very hard to find the right balance between starting the U.S. on an emissions reduction path, but protecting the economy;

We are talking about taking unilateral action on a global problem reducing concentrations of greenhouse gases in the atmosphere; we cannot solve this problem alone and until a comprehensive international agreement is in place, the U.S. remains at risk of competitive disadvantages.

If some proponents of climate change legislation are correct in their predictions, the cost of domestic action on the problem will not be high.

However, if costs are above what Congress determines in unacceptable, there must be an adequate mechanism to keep the program in line with what the U.S. economy can handle; I intend to offer an amendment to include the so-called ''safety valve'' or Technology Accelerator Mechanism that was included in the Bingaman-Specter bill; that provision states that if the price for an allowance for each ton of greenhouse gas (Carbon Dioxide equivalent) being traded on the open market reaches a certain level, then regulated entities have the option of purchasing additional allowances directly from the government at a set price; specifically, we set the price at $12 per ton, rising 5% over inflation annually; this protects the economy, while still sending the necessary price signal to industry that there is an escalating price to carbon that must be factored in investment decisions; I am open to a debate about the appropriate level at which to set such a safety-valve;

Unfortunately, opponents of this provision have flatly attacked it without addressing the question of what an appropriate price trigger would be; I was very glad to hear Chairman Boxer state on the Senate floor yesterday thanking Senator Bingaman and me for our proposal on this subject. She described it as ''what I thought was a very important off ramp. The one thing I didn't agree with them on is the price they picked for the price of carbon.''

I hope this is an indication that we can finally have a legitimate debate about this important protection for the U.S. economy and consumers.

While Senator Boxer inserted a new ''cost containment auction,'' I believe the new cost containment provisions require extensive review and a true safety-valve should be added.

Senator Warner provided leadership in adding provisions to empower the President to alter the program, but I fear this still provides too much discretion and would potentially be used after adverse effects have already happened.

INTERNATIONAL COMPETITIVENESS AMENDMENT

Senator Bingaman and I included key international provisions in our bill. These provisions were based on a proposal from American Electric Power (AEP) and the International Brotherhood of Electrical Workers (IBEW).

Senators Lieberman and Warner included our provisions in their legislation as well; The purpose of these provisions is to ensure that greenhouse gas emissions occurring outside the U.S. do not undermine our efforts to address global climate change and we further want to encourage effective international action.

As first introduced, if eight years after the enactment of the U.S. program, it is determined that a given major emitting nation has not taken comparable action, the President at that time is authorized to require that importers of greenhouse-gas-intensive manufactured products (iron, steel, aluminum, cement, glass, or paper) from that nation submit emissions credits of a value equivalent to that of the credits that the U.S. system effectively requires of domestic manufacturers.

I testified before the Senate Finance Committee on February 14th of this year on these provisions. It is my view that since the provisions treat imports the same as domestic products, I believe they are compliant with GATT and would survive a WTO challenge. Now, I understand that modifications of this proposal are found in the Boxer substitute.

As my staff and various industries review the language, there remain concerns that the provisions may still require changes to ensure their effectiveness; specifically, I am considering offering an amendment to: Address the standard used to determine if our trading partners are taking ''comparable action''; restrict an Administration's ability to simply waive requirements on importers; bring the compliance date in line with the start of the program (ie. 2012, rather than 2014 in the new version—changed from 2020 in the original); revise provisions added for ''downstream'' products that may ironically result in exempting the ''upstream'' inputs like steel; include all countries, not just large emitters; and equalize the ability of U.S. and foreign entities to purchase international allowances to meet the requirements.

PROCESS GAS EMISSIONS AMENDMENT

It is my understanding that some emissions resulting from production of energy-intensive manufacturers like steel and cement would be exempted because there is no feasible technological alternative;

For example, the use of carbon is irreplaceable to the processes and the metallurgical reactions necessary to produce virgin steel. Carbon, in the form of coal or coke, is used as a reducing agent to strip oxygen molecules from iron ore, producing iron, the basic building block of steel, and carbon dioxide. Without carbon there can be no steel.

Without this exemption, given current technology, the only way to substantially reduce emissions in the integrated steel industry is to reduce production and employment.

Cooperative efforts are underway between the steel industry and the U.S. Department of Energy to find technologies to produce steel with far less carbon emissions, but they are far from commercial viability.

I intend to offer an amendment to clarify that process gases for which there is no technological alternative will not be counted in a company's annual requirement to submit emissions allowances.

This exemption will only impact a very small percentage of U.S. emissions, but will protect an essential industry that will play a major role in the energy sector expansion that would result upon passage of this bill or even in its absence given rising energy demand.

PATHWAY TO THE FUTURE FOR COAL AMENDMENT

I am considering offering an amendment to address the serious shortcomings in the Lieberman-Warner bill in terms of providing a pathway to the future for coal;

I am concerned that the bill does not provide sufficient funding or incentives for carbon capture and storage (CCS) and advanced coal technologies; It is my understanding that the Boxer substitute replaces the original Lieberman-Warner advanced coal research program with a ''kick-start program'' that dramatically cuts carbon capture and storage technology funding. According to the National Mining Association, the substitute provides 85% less funding through 2030 for advanced coal and sequestration development, and eliminates all funding for carbon storage demonstration projects.

Without adequate funding for these priorities, the result is likely to be severe reductions in U.S. coal use—America's most abundant energy resource.

Further, the substitute dramatically reduces the number and rate of bonus allowances for CCS deployment from the previous Lieberman-Warner bill. The Bingaman-Specter bill was the first to create this incentive for early deployment of carbon capture and storage technologies. I am told the substitute reduces CCS bonus allowances 19 percent through 2030 compared to levels in Lieberman-Warner which were already insufficient.

Broadly, the Boxer substitute fails to harmonize the timeline for emission reductions with the availability of commercially deployed technologies necessary to reduce emissions.

I look forward to working with my colleagues and the coal industry to find the right balance between imposing a mandatory cap on carbon emissions while ensuring the future of coal.

Some issues we need to consider are: Providing technology funding and incentives;

Adding a carbon dioxide storage liability framework; adding a safety-valve; aligning emissions caps/targets with technology; improving allocations; address duplicative State programs; and others.

Mr. SPECTER. I thank the Chair, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. BOXER. Mr. President, I say that my friend from Pennsylvania has been a great leader on this, and I am ready right now, as is Senator WARNER, as is Senator LIEBERMAN, to start debating amendments. Unfortunately, the Republican leadership has said we need to run out 30 hours, so we are not going to be able to begin the amendment process. But it runs out tonight and, hopefully, first thing in the morning we will start with the amendment process.

Mr. President, I have a unanimous consent request, signed off on by Senator INHOFE and myself, and I ask unanimous consent that the order of speakers for this afternoon's debate on the motion to proceed to the climate bill be as follows: BOXER, 20 minutes; INHOFE, 30 minutes; KERRY, 20 minutes; BARRASSO, 15 minutes; WHITEHOUSE, 15 minutes; GRASSLEY, 15 minutes; CASEY, 15 minutes; ENZI, 20 minutes; CARPER, 30 minutes; ALEXANDER, 20 minutes; WARNER, 20 minutes; BOND, 20 minutes; LIEBERMAN, 30 minutes; VITTER, 15 minutes; NELSON of Florida, 15 minutes; and CRAIG, 15 minutes.

Further, I ask unanimous consent that following each speaker, the bill manager or their designee from the opposite side of the previous speaker have up to 5 minutes for a rebuttal statement prior to the next speaker listed above being recognized.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. GREGG. Reserving the right to object.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire.

Mr. GREGG. If the Senator would add me for 15 minutes on that list, I would appreciate it.

Mrs. BOXER. Happy to do that. And, Senator, I will add a Democrat before you, and you will be the next Republican after Senator CRAIG, for 15 minutes.

Mr. GREGG. Thank you. I appreciate it.

Mr. KERRY. Mr. President, I ask that my 20 minutes be made 30, for my purposes.

Mrs. BOXER. That is fine.

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

RECESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will stand in recess until after the official Senate photograph.

Thereupon, at 12:43 p.m., the Senate recessed until (2:31 p.m.), and reassembled when called to order by the Presiding Officer (Mr. CARPER).

Mr. SALAZAR. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

UNANIMOUS-CONSENT REQUEST—S. 239

Mrs. FEINSTEIN. Mr. President, in a moment I wish to make a motion, but I would like to say as a prelude, for 6 years I have worked on legislation to provide for notification in the event of a data breach. During that period of time, 43 States have passed their own legislation. We would not know of data breaches if it were not particularly for the State of California which has put forward action on several of them.

The bill went to the Judiciary Committee. It has been heard in the Judiciary Committee. With the cooperation and support of the chairman of that committee, Senator LEAHY, the bill has come out unanimously and has been pending before this body. There are holds on the bill.

I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 180, S. 239, data breach modifications; that the committee-reported amendment be considered and agreed to, the bill, as amended, be read a third time, passed, and the motion to reconsider be laid on the table, without further intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. SESSIONS. Mr. President, reserving the right to object—and I will object—I value the interest and effort Senator FEINSTEIN has put into this bill. I have also worked on this issue for some time. Last year, I think my bill cleared the committee by unanimous consent, and this year her bill is out on the floor. There are some differences. I commit to Senator FEINSTEIN, post my objection today, that we will try to work together to see if we can reach accord. There are some differences that are significant and some I am sure we can work out. So we will just have to give a good-faith effort at it.

I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Vermont.

Mr. LEAHY. Mr. President, if I could respond to something the Senator from California said, I commend Senator FEINSTEIN for her efforts. She has worked very hard on this privacy matter. I realize there are some who want to block it. If you are a person who has had your identity stolen, if you have had your computer hacked, and somebody has gone into your bank account or somebody has ruined the chances of your children getting into a college, all from identity theft, you would be rushing down here to vote for this bill. I hope my friends on the other side of the aisle, Republican Senators, will stop objecting. I hope we can pass this legislation.

CLIMATE SECURITY ACT OF 2008—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, is it appropriate at this time to yield some of my time? I have an hour postcloture; is it appropriate now to yield that to someone?

The PRESIDING OFFICER. It is.

Mr. REID. I yield ½ hour to the Senator from California, Mrs. BOXER.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, to remind the first few speakers, what we have is BOXER for 20 minutes, and I plan to yield 5 of those minutes to Senator DURBIN, then a rebuttal by Senator INHOFE or his designee, then Senator INHOFE for 30 minutes, then a rebuttal by our side, then Senator KERRY for 30 minutes.

I have found this debate so far to be very interesting and very heartfelt. What I would like to do before I yield a few minutes of my time to Senator DURBIN is kind of take it to where it has gone thus far. So far we have had a vote to proceed to this matter, a very strong vote to do that, 74 votes yes. That is good.

What isn't so great is, we are kind of being slow-walked by the Republican leadership in such a way that we can't start the amendment process which, as we all know, is crucial on a bill of this nature. So that is disappointing.

I think the debate has been very interesting, and I would like to relate where I think it is at this point.

Those of us who believe the Boxer-Lieberman-Warner proposal makes sense believe it is time to change the status quo as it relates to our energy policy in this country. What we have now with our dependence on fossil fuels is an energy policy which is now getting very costly because of increased demand in the world, because of speculation, because of a lot of reasons, and it is also polluting the planet to the point where we see the global warming impacts already starting.

My colleague, Senator FEINSTEIN, was brilliant today, both at a press conference and on the floor, in talking about what is already happening in the West with our snow pack, with lakes that are disappearing, with the problems we are having. We know, if we listen to the scientists—and the scientists are in agreement, and I am glad that my colleagues on the other side

are not debating whether global warming is happening; they have, it seems to me, accepted that fact—that we have a choice. Either we continue what we are doing today with the same kind of energy sources we have, with the buildup of greenhouse gas emissions and carbon pollution or we move forward and say: How can we tackle this issue in a way that saves the planet, saves the species?

By the way, 40 percent of God's creatures may be extinct if we don't act. How are we going to do this in such a way that our grandchildren and their children don't face a disastrous situation where the planet becomes inhospitable. We have the numbers, how many thousands more people will die of heat stroke. We have the numbers, and the numbers come from the Bush administration. So how do we do this in a way that saves the planet, cuts down on pollution and, by the way, gives us alternatives to energy we now have which, in the long run, will be cheaper, more reliable, and make us completely energy independent?

I believe what our bill does is achieve those goals. We fight global warming. At the same time, we bring about an economic renaissance from investments in new technologies that will make us energy independent. To me, it is a pretty stark choice. Either you are for the status quo and you are going to find an excuse not to be for this bill or you are going to take a look at this bill, which is a tripartisan bill—a Democrat, an independent, a Republican bringing it to the Senate—reflective of America, reflective of the span of our views in this Nation.

The one thing I hear—again, it must be out of some talking point somebody wrote over there on the other side—is gas prices. Don't do this bill because of gas prices.

I am going to show you what has happened to gas prices without this bill. I want you to look at this. This is what has happened under George Bush's watch. We have seen gas prices go all the way up to $3.94 from $1.50, and that, in 7½ years, is a 250-percent increase. That is what our people are upset about.

My colleagues on the other side know this. They have done nothing about this. I am going to ask my assistant majority leader to talk about this. How many times we have begged them, do something about big oil. Return the money to the people. Investigate what is happening with speculation. No, they won't do anything. But what they are saying is, and what the Bush administration is saying is, if you pass this bill, this Climate Security Act, gas prices are going to go up.

Folks, they are going to go down. Worst case scenario that the President picked up, they will go up 2 cents a year. That is the worst case scenario. But that is going to be offset by the fuel economy bill that the President himself signed.

I am looking at Senator CARPER, the Presiding Officer. He worked hard on that, with Senator FEINSTEIN, Senator INOUYE, and Senator KERRY, those of us on the Commerce Committee. That will be offset. The truth is, the stark truth is, you pass this bill, we are going to see a reduction in gas prices. We are going to have alternatives, and we are going to see jobs created. We are going to see new companies starting. We are going to see the genius of America take hold if only we have the courage—not to come on this floor and make a bogus argument about an issue they did nothing about, but if we have a real debate on what this bill means.

So at this time, I reserve the remainder of my time.

Mr. President, how much time do I have?

The PRESIDING OFFICER. Thirteen minutes.

Mrs. BOXER. Mr. President, I yield 5 minutes of those 13 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 5 minutes.

Mr. DURBIN. Mr. President, first, I extend my gratitude to Senator BOXER for her extraordinary leadership on this issue, a bipartisan issue, with Senator LIEBERMAN, Senator WARNER, and so many others on both sides of the aisle.

In the history of our country and of this great institution, the Senate, there have been many occasions when Senators have come to the floor and spoken of threats to the security of the United States of America. Those threats usually came in the form of dictators or ideologies such as communism and fascism, and we mobilized American opinion behind fighting those threats. We asked great sacrifices from our people to come forward to make sure future generations would enjoy the freedoms and opportunities we enjoy today, which many take for granted.

The debate today is about another threat, a very real threat, to the future not only of the United States but to all the countries in the world. It is a common threat. This bill is about reducing carbon pollution that causes global warming. It uses free market incentives to protect American jobs and creates international sanctions for those countries that do not participate. It is a tried and true approach. We have used this very same approach, as this bill suggests, to successfully reduce acid rain. So we know it works. We know how compelling it is for us to move on it, and move on it quickly. Delay on this subject will mean even greater sacrifices in the future. In fact, it may reach a point where it is not even feasible to address the issue.

We are all concerned about the cost of fuel, whether it is gasoline or diesel fuel or heating oil or jet fuel. The stark reality is, this bill will bring us to a new attitude and a new approach: more fuel efficiency, driving the same miles using less fuel, with less carbon pollution, and fewer emissions.

This bill drives us forward in a positive way to deal with the needs of our economy and to keep the costs of energy within the grasp of families and businesses and farmers.

Secondly, the bill focuses on creating new jobs, the jobs of our future. In this country and in the world will be jobs that really look to the environment as a major element in costing out things. It is no longer just the cost of bringing a ton of steel halfway around the world from China. It is also the carbon cost of transporting that steel that has to be taken into consideration. That is a very real cost.

When we start thinking in terms of fuel efficiency, the United States can use the same kind of entrepreneurial spirit and innovative spirit that has been such a successful engine to our economy in the years gone by, whether it has been the Silicon Valley or medical technology. The United States can lead again because we have the economy and the talent to get in the front of this parade and to stay there when it comes to job and business creation.

It is also a question of public health. We know global warming is going to create an environment where many will suffer; pulmonary disease, such as asthma, cancers, such as melanoma, are going to increase if we do not get serious about this issue. I think we understand that. For the good of our children and grandchildren, and for our desire to make sure they have better and longer lives than ourselves, this bill is extremely important.

Finally, this whole issue of global warming is an issue that really addresses stability in our world. It is no surprise that some of the tinder boxes—and I do not mean any pun by that—some of the tinder boxes in the world today are countries in desperate straits trying to find water for their people. It is a huge issue in the Middle East. It is also an issue in Africa. When that issue has become its most extreme, we find genocide in Darfur, we find turmoil in other parts of the world and instability. Coming to grips with global warming, stabilizing our global climate, is a way for us to try to bring some peace and stability to this world.

When you think about the parameters of this debate, could you think of anything more serious? How can we face our children and grandchildren if we do not honestly debate this issue, if we do not step up and say: On our watch, at our time, our generation did the right thing?

We cannot undo what has been done in the past, generations gone by, centuries in the past. But we are responsible for now and for the future.

This is our chance to move forward. I beg my colleagues, even if you find differences and difficulties with the bill, let's work together.

Senator WARNER, I am glad you are here. We would not be here without you, and that is a fact. You have shown a bipartisan spirit to address this issue, and you have taken a little bit of grief

from your side of the aisle. Well, trust me, many of us appreciate your leadership on this issue, and it will be long remembered.

In that spirit—Senator WARNER, Senator LIEBERMAN, Senator BOXER, and others—we need to say to future generations: We can come together, both parties, and take on this challenge successfully.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I thank my colleague for his comments. But a short time ago there was a colloquy on the floor, and someone said they felt——

Mrs. BOXER. I did.

Mr. WARNER. There was a slow roll. I immediately went back to consult with my leadership, and that is not the case. The reason for not going to amendments today seems to me to be a valid one; that is, a number of Senators wish to speak. The list is up to 18 now, and they want to speak in such a way that is not feasible if we are in an amending posture.

So I thank the distinguished chairman on this matter because I do believe we have made some progress today. We have had good, constructive speeches. Senator CORKER spoke, Senator ISAKSON spoke on this side, and colleagues on your side. I think Senator KERRY was about to speak.

Mrs. BOXER. He is going to speak.

Mr. WARNER. So I think, Mr. Chairman, we are making some good, solid progress in the Senate and can rightfully take pride in what we have done thus far. Would you agree with me?

Mrs. BOXER. Yes, I do.

Mr. President, I wonder how much time I have left of my time?

The PRESIDING OFFICER. Seven minutes.

Mrs. BOXER. OK. Senator WARNER is speaking on my time, then? Which is fine.

Mr. WARNER. Mr. President, I have nothing further to say.

Mrs. BOXER. No, it is fine. I say to Senator WARNER, I believed we were slow-walking it only because we are so anxious to get to the amendments. But I hear what you are saying—if this is real. We are going to have some good debate today. This is the list of Senators on both sides. This is good.

Mr. WARNER. Mr. President, that would not be possible if we were in an amendment posture. We could not get all those Senators in.

Mrs. BOXER. Well, let me say, I welcome everyone to the floor.

Let me conclude my little part today at this time by saying we have seen the faith communities come out very strongly for the Boxer-Lieberman-Warner bill—the Evangelical Environmental Network, the Evangelical Climate Initiative, the U.S. Conference of Catholic Bishops, the National Council of Churches, the Religious Action Center of Reform Judaism, the Jewish Council for Public Affairs, the Interfaith Power and Light Campaign. These are just some.

I think we have had some very wonderful meetings with them and press conferences with them. The way they look at the world is this: It is God's creation that is at stake, and they feel very moved and very bound to respond. It is rare you see this kind of coalition coming forward. But they look at God's creatures, and they say: We have a responsibility. They look at human beings all over the world who will suffer mightily if we do not get a grip on this global warming because we know, with rising sea levels, we will have refugees who will be stranded. We know in our own country we will have thousands die of heat strokes. We will have many thousands die from vectors and problems of new kinds of amoebas and so on that will now be present in the warmer waters.

We had an incident, and I believe it was at Lake Havasu, where we had some little child who went swimming and got a brain infection, who got that because the waters are getting warmer. So this is not theoretical. It is real.

Here, as shown in this picture, is a beautiful creature, the polar bear and people say: Oh, is this all about saving the polar bear? It is about saving us. It is about saving our future. It is about saving the life on planet Earth. And, yes, it is about saving God's creatures.

I remember sitting just a few feet away, at our hearings, from the scientists who said 40 to 50 percent of God's species could be extinct if we do not act. Now, that is not something we can turn away from, at least in my opinion. Here is this magnificent creature in peril because of the disappearing ice.

I also think we have to remind ourselves that global warming is a national security issue. I know when Senator WARNER became involved in it, it was in great part because of this. A report conducted by the Center for Naval Analysis found that the United States could more frequently be drawn into situations of conflict to ''provide stability before conditions worsen and are exploited by extremists. . . . The U.S. will find itself in a world where Europe will be struggling internally, with large numbers of refugees washing up on its shores, and Asia in serious crisis over food and water. Disruptions and conflict will be endemic features of life.''

Look, this is not a quote from Senator BOXER or Senator KERRY or Senator LIEBERMAN or Senator WARNER, who care about this bill. This is a quote from the Center for Naval Analysis. This is very serious. This is, Implications for U.S. National Security, commissioned by the Department of Defense in October 2003. Here we are in 2008, and we have a long way to go to get this bill done.

So I would say in my remaining few minutes that you are going to hear people come to the Senate floor and say: If we do this bill, it is going to imperil jobs. Well, nothing could be further from the truth.

You look at Great Britain, where they have reduced greenhouse gas emissions by 15 percent since 1990, and their economy grew 40 percent. Mr. President, 500,000 new jobs were created.

The Apollo Alliance here at home said we are going to see thousands and thousands of new jobs created. We have a study of the impacts of California's global warming law: 89,000 new jobs projected. I can tell you right now, we are in a tough time in California because of the housing crisis, OK. A lot of folks being laid off are going to work for the 450 new solar companies that have sprung up in California.

If you look at the top manufacturing States for solar, it is Ohio, Michigan, California, Tennessee, and Massachusetts. So these jobs are going all over America.

Look at all of labor supporting our bill. It is remarkable: the Operating Engineers, the Building and Construction Trades, the International Brotherhood of Electrical Workers. They understand we will be building a new infrastructure for our new energy which is going to result in lower energy prices.

Our local governments support action—the Conference of Mayors; the National Association of Clean Air Agencies; the Climate Communities, which is a coalition of cities, towns, counties, and other communities.

Not only will we see lower gas prices as a result of this legislation, but we are going to see amazing job growth. It occurred in Germany, just as it occurred in Great Britain.

Here we see this group that came together to support us saying: ''Prompt action on climate change is essential to protect America's economy, security, quality of life and natural environment.'' I want to reiterate this. You are going to hear predictions of gloom and doom.

Mr. President, I ask unanimous consent for 20 more seconds to close.

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

Mrs. BOXER. You are going to hear predictions of doom and gloom. But do you know what? Either these folks have not read the bill or they are reading off talking points that were made to start a political fight. We should come together across party lines. We should pass this bill.

I look forward to hearing from the rest of my colleagues.

Before I yield the floor, I ask the Presiding Officer, since we do not have anyone to rebut us, is it possible to go to Senator KERRY at this time? Would that be possible? I ask unanimous consent that we go to Senator KERRY, since we do not have the other side here. Or, actually, I ask unanimous consent to go to Senator LIEBERMAN for 3 minutes, followed by Senator KERRY for 30 minutes.

The PRESIDING OFFICER. Is there objection?

Hearing no objection, the Senator from Connecticut is recognized.

Mr. LIEBERMAN. Mr. President, I thank the Chair, and I thank my colleagues.

I rise to build on something that Chairman BOXER just said about the national security implications of the global warming problem.

Last week I had the privilege to attend an Asian-Pacific Security Conference in Singapore, which is called the ''Shangri-la Dialogue.'' At that conference, there were high-ranking defense officials from just about every country in the Asian-Pacific region, large or small. I noticed on the schedule of meetings there was a session on climate change. So this intrigued me because, again, this was a defense group, an international security group.

I went to the conference, and it was quite something. Our friends in the Asian-Pacific region are deeply concerned about the possible consequences of global warming and anxious that the world unite to protect them and us from the worst of it. A gentleman leader in the Defense Department of Singapore said they have begun to negotiate with European experts in the construction of dikes, because they think if they can build adequate dikes, they can probably withstand a rising sea level which they believe will happen—probably will happen, according to the best science—of a meter. But if the water rises above a meter, their leaders have concluded that as much as a third of Singapore could be under water. There was a gentleman there from the Defense Department of Bangladesh who said they are beginning to try to make plans for confronting a migration of as many as 5 million people in Bangladesh who will be forced by rising tides to leave their homes—5 million people.

Now, I say by reference, we don't think about those extraordinary effects of global warming, but if seas rise—to say the obvious, the United States has enormous coastlines and our low-lying areas will be subject to consequences that could be severe to the way of life of the people there. There has been a trend in our country of people moving to the coast, millions and millions and millions. If we don't do something about global warming soon, the life they lead will be severely compromised, and that is what this bill is all about—trying to avoid that.

I thank the chairman, Senator BOXER, for stressing that this is not only an environmental protection bill, this is not only an economic growth bill; this is a national security bill.

I thank the Chair, I thank my colleague, and I yield the floor.

The PRESIDING OFFICER (Mr. DURBIN). The Senator from Massachusetts is recognized.

Mr. KERRY. I thank the Chair. Let me begin by thanking first Senator BOXER for her unbelievable leadership in this effort, as well as Senator LIEBERMAN and Senator WARNER, all of whom have worked diligently on the Environment and Public Works Committee. As everybody knows, there are some shared committee assignments with respect to this issue—the Commerce Committee and the Energy Committee—but I think there has been a superb effort of bringing everybody together under one roof, and that has largely been because of Senator BOXER's determination to get us to this point.

We are here to debate what is absolutely—and it is interesting. We hear it from colleague after colleague on the other side of the aisle. They say: Oh, yes, we have to do a global climate change bill; yes, this is a critical issue. Then they add the caveat: But not this bill, not this time; then not providing a genuine effort or alternative to say this is how it could work.

It is also interesting to note there has been a huge shift in America with respect to this issue. Major Fortune 500 companies support the fundamental underlying precept of this bill. They haven't necessarily all landed on this bill yet, but they support the notion that we put a market-based mechanism in place whereby the marketplace will decide how rapidly and how each individual company will decide to reduce its emissions. What is important here is that we are creating a framework—and not a new framework. This is not something sort of brought out of the sky untested that is a new theory. We have been doing this since 1990 when we passed the Clean Air Act and successfully reduced sulfur dioxide, the cause of acid rain, and successfully reduced it at about a quarter of the cost that most of the naysayers predicted.

So I think our colleagues on the other side of the aisle frankly come here with a particular burden of proof. They have been wrong over the course of 25 or 30 years. They have been wrong when they opposed water treatment facility efforts at the Federal level, when they opposed air quality treatment at the Federal level, and each time when we have proceeded forward because we had forward-leaning leadership, Republican and Democratic alike—it is important to note that the Clean Air Act was reauthorized under President George Herbert Walker Bush, who understood the importance of moving forward. So we have shown that this mechanism, which was created to deal with acid rain, works. It is the law of our land today. The marketplace is doing it today. Companies are participating in this today. This is a proven mechanism whereby the marketplace—not the Government—will decide at what rate and who bears what burden and people are free to choose within an economic benefit how they proceed.

What is at stake today is whether Washington and this institution can rise above partisanship and break with the old entrenched interests and finally start to come together to solve what is undoubtedly the most urgent and profoundly complex challenge we face—how we protect this planet we live on. We have been down this road before. Twenty years ago I participated in the first hearings that were ever held in the Senate which Al Gore—then Senator Gore—chaired, with several other Senators, and we looked at this issue of climate change in the Commerce Committee. Ever since then, the story at the Federal level has been one of disgraceful denial, delay, back-scratching for specialized interests, and a buck-passing that has brought us perilously close to a climate change catastrophe. We have witnessed a failure of leadership in our time, and here on the floor of the Senate this week, at this moment—now—we Senators have the ability to reverse that.

Today, all of the scientific evidence—I am not going to say too much about it, but I cannot sort of frame this debate for the next days without saying something about it—all of the scientific evidence is telling us we can't afford to delay the reckoning with climate change any longer. All of the science is already telling us we have waited too long. Since the start of the Industrial Revolution, atmospheric levels of carbon dioxide have increased from 280 parts per million to now 380 parts per million. Today, we know not as a matter of guesswork—we know as a matter of scientific fact, incontrovertible fact—we know the atmospheric carbon levels are higher than they have been at any time in the past 800,000 years. How do we know it? Because scientists have been able to bore down into ice core and measure the carbon dioxide levels that have been preserved in the ice over those years, as well as other time-measuring mechanisms. That accumulation translates into an increase in global temperatures of about .8 degrees centigrade.

Now, because this carbon dioxide that we put up into the atmosphere has a life—it continues to live—as nuclear materials have a half life of thousands of years, carbon dioxide has a life of anywhere from 80 to 100 years. So what we have already put into the atmosphere will continue to do the damage it is already doing, unless somehow, by a miracle of science or a miracle, there is a method discovered in order to go backwards. So we are looking at another .7 to .8 degrees of temperature increase that we can't stop. That brings us to about 1.4, 1.5 degrees of centigrade increase.

Why is that figure important? I will tell you why that figure is important. Because there is a scientific consensus of thousands of scientists across the planet that is telling us that as a matter of public policy, to avoid the potential of a tipping point—they can't tell us with a certainty that the tipping point is at 1.9 degrees or 2 degrees or 2.3, but they are telling us that their best judgment is that to avoid a tipping point of catastrophe on the planet, we must hold the temperature increase of the Earth to 2 degrees centigrade and to 450 parts per million of greenhouse gases. So we are looking at now being at 380, we have a cushion of going to 450; we already know we have

risen 100 in the Industrial Revolution, but the Industrial Revolution didn't have China and India and the rest of the world industrializing as it is today. So we are staring at the potential of a much greater input of carbon dioxide, much greater input of greenhouse gases unless we take steps now, with the United States leading, in order to lower the levels of emissions and ultimately stabilize them at a level that is sustainable in terms of the science of our planet.

Two weeks ago I brought several of our country's top climate scientists to brief us in advance of this debate. Now, those scientists—scientists are by profession conservative people. They have to be. If you are going to be accepted as a top scientist, your reports are peer reviewed, they are analyzed, they are looked at by others in the same field and judged as to their methodology and the conclusions they draw. The fact is we have something like 920 peer-reviewed reports, all of which say we have to do what we are seeking to do here on the floor now. And there isn't one report—not one peer review—to the contrary. There is not one report that suggests humans aren't doing what we are doing and that we don't have to stop doing it now or face the potential of catastrophe.

The fact is these scientists also told us that what they predicted 2 years ago, 3 years ago, 4 years ago is completely eradicated now by the rate at which the evidence from Mother Earth herself is coming back. Earth is telling us that we are now seeing a degradation at a rate that is far greater than those scientists predicted. In fact, the science projected a general decline in the Arctic Ocean in 2001. Well, guess what. The 2007 IPCC Report sounded significantly more alarm bells, saying:

> Late summer sea ice is projected to disappear almost completely towards the end of the 21st century.

Less than a year after that report, in January of this year, another report found that a seasonal ice-free—ice-free—Arctic Ocean might be realized as early as 2030. I am told that the scientists who study this topic now believe it could even happen sooner, but that is what they are comfortable telling us publicly. Scientists are observing a 30-percent increase in the acidity of oceans with a devastating impact on ocean life, literally destroying the ocean food chain from the bottom up. Scientists project that 80 percent of living corals will be lost in our lifetime. The impact of the acidity—the acidity, for those who don't follow it, comes from the greenhouse gases. We put them up in the air, they travel around the world, they rain, it gets into the clouds, rains and comes down into the ocean, or spills as particulates into the ocean. The result is that acidification reduces the ability of crustaceans in the ocean to form their shells. So starfish, lobsters, clams, crabs, coral reefs, all of these things that rely on their ability to form shell are threatened as a consequence of the increase of acidity in the oceans.

What is more, scientists know that the oceans act as a storage center for carbon dioxide. In the jargon of global climate change, it is called a ''sink'' because the carbon dioxide sinks into it and disappears. What we know is the oceans do this. What we don't know is where is the kickback point in the oceans. When are the oceans full and they start to spit it back out because they can't contain it anymore? Well, I tell you what: Sound the alarm bell. Because scientists in Antarctica found that that is already happening; that there is a regurgitation of carbon dioxide in the Antarctic they didn't anticipate and which now sends warning signals about the rest of the oceans.

Even the Bush administration's own top scientists last week laid out a chilling assessment. They said the following: Floods, drought, pathogens and disease, species and habitat loss, sea level rise, and storm surges that threaten our cities and coastlines are what we are looking at unless we begin to reduce the global greenhouse gases.

The effects of climate change are now apparent on every single continent. It is being witnessed in very tangible and unexpected ways. For instance, if you are a hunter in South Carolina and you like to go duck hunting, today the only reason South Carolina has real duck hunting to offer is because of farm ducks, not because of the migration that used to take place. It is the same thing in Arkansas, with the population of the waterfowl that is significantly reduced. The Audubon Society has reported a 100-mile swathe of migration of vegetation, of growth. In Alaska, we are seeing millions of acres of spruce destroyed by beetles that used to die because of the level of the cold, but Alaska has warmed more than any other part of the United States, and the result is they now infest those trees. There are consequences that none of us can even properly define or imagine. But prudence dictates that, knowing this is the course we are on, we need to do something about it. We need to do something about it now.

The instability of the permafrost, increasing avalanches in mountain regions, and warmer and dryer conditions in the Sahelian region of Africa are leading to a shortening of growth seasons. Yesterday, there was a huge meeting of the U.N. to discuss food shortages taking place in various parts of the world. Up to 30 percent of plant and animal species are projected to face extinction if the increase in global temperature exceeds 1.5 to 2.5 degrees Celsius.

The impacts are not limited to species and ecosystems. Last week, the U.S. Department of Agriculture released a new study projecting that the rise of concentrations of CO_2 in the atmosphere will significantly disrupt water supplies, agriculture, forestry, and ecosystems in the United States for decades to come. By midcentury, anticipated waterflows in much of the West is going to decline by an average of 20 percent. Already in the West—to listen to our Senators from the West talk about the drought and the problems they have of lakes that are now drying up—all these are concerns we need to address here.

The same report says that, by 2060, forest fires and the seasonal severity rating in the Southeast is projected to increase from 10 to 30 percent and 10 to 20 percent in the Northeast. The impact on infrastructure will be severe. In March, the U.S. Department of Transportation found that the projected sea level rise in the gulf coast would put substantial portions of the region's transportation infrastructure at risk. Storm surges in the gulf coast will flood more than half the area's major highways, almost half the rail miles, 29 airports, and virtually all ports.

The question before the Senate now is, How do we turn this prediction of danger into opportunity? And it is opportunity. I don't think to anybody it is ''pie in the sky'' when they think about the possibilities of what we can do for our health as a nation, for our environment, for our obligation to future generations, for our security, for our energy policy, and for the price of gasoline. All these things can be driven in the right direction if we make the right choices in the Senate in this next week.

The fact is the Climate Security Act that Senators BOXER, LIEBERMAN, WARNER, myself, and others bring to the floor is a bill that puts us on the right path. No one agrees with every compromise that is made in this bill. We all understand that. We all agree on the importance of action, though. We all agree on the importance of getting something done now.

This is a strong and flexible piece of legislation. It will reduce the emissions, the gases, the carbon dioxide that creates global warming by 19 percent by 2020 and 71 percent by 2050. That will lead to an overall reduction that meets targets well within the range of the reduction that scientists tell us is necessary to avoid catastrophic impact on climate change.

In the next days, I hope we can work with our colleagues. If you have an objection to the bill and you have a better way of coming about it, that is what we are looking for. That is legislating in the best tradition of this institution. What we don't want to do is have people come to the floor and say this is the most important issue, we have a better way of doing it, but the better way never appears. It is never framed in an appropriate amendment that seeks to do other than kill the bill. We have the ability to be able to frame this in a responsible way.

I have concerns and others have concerns that the cost-containment auction, when coupled with the borrowing and offset provisions—I wish to make

sure it has the potential to lower the target in the early years of the program. I don't want to see us avoid responsibility for years to come. So I hope to work with the bill's authors, and maybe we can develop a mechanism to make sure we maintain the short-term targets as directed by the scientists, while at the same time providing adequate cost certainty. But the overall structure of this bill provides important incentives to create a clean energy economy in our country. It directs auction proceeds—and this is important to understand. This is not a bill that goes out and taxes Americans and says you have to pump a whole bunch of money into the Federal budget so the Government can do something. That is not what happens here. This bill creates a marketable unit of reduction of carbon dioxide. By providing that, people will be able to buy and trade in those units. The money that comes from that purchase and trading is money that is then directed to help States make the transition, to help soften the transition for companies, to help provide the technology and the research and development that speeds us down the road to the creation of alternative and renewable fuels.

There are only three ways to deal with global climate change. One is to move to alternative and renewable fuels. Two is to come up with a way of having clean coal technology quickly. Three, it is through energy efficiency mechanisms.

The United States is literally the worst of all participating nations at this point, in terms of energy efficiencies. You can travel to Europe or to Asia and go up to an escalator and it is not working and you think you have to call somebody to fix it, but when you get near it, the escalator starts to move. When you get off and nobody else is coming, it stops. That is energy efficiency. We don't do that. Ours turn 24 hours a day, no matter whether people are there—unless they are turned off. It is the same thing with lights. When you walk out of a hotel room in some other places and it is dark and you shut your door, the lights go on. As you walk down the hallway, lights go on in front of you and off in back of you. When you get onto the elevator, the lights go out. We don't do that. There are countless efficiencies we can put into buildings, fleets, automobiles, and into the use of energy. The McKinsey report—that company is a well-respected profit-making company in America—tells us that we can get anywhere from 40 percent to 75 percent of all of the savings we need in order to deal with this crisis just from energy efficiency.

What are people waiting for? If we moved down that road, we would be doing better than by doing nothing. This bill provides very important incentives to capture and seek restoration of carbon itself. It targets $14 billion to expedite the near-term development of these facilities. It focuses on the need to support communities here and abroad, in order to adapt to the problems of climate change.

I wish to highlight the fact that $68 billion in this bill is devoted to reducing emissions from deforestation. A lot of people don't realize that cutting down forests is one of the biggest contributions to carbon dioxide. Deforestation and forest degradation is an enormous contributor that we have to turn around. Many of us wish the number was more, but we think it is enough to be able to get moving and start down that road and have an impact.

My colleagues on the Foreign Relations Committee hope to address this issue in greater depth because deforestation accounts for 20 to 25 percent of global emissions. We need to help other countries move in the right direction.

When you look beyond the details of the allocation formulas and the offset verification procedures, this bill sends a critical message to our economy. I have spent a lot of time, as have the chairman and Senator LIEBERMAN, meeting with businesses across the country. I have talked to the Business Roundtable. I have met with the U.S. Climate Action Partnership companies. These are Fortune 500 companies, such as Dow Chemical, DuPont, British Petroleum, American Electric Power, and Florida Power and Light. While they don't all agree with every piece of this bill yet, they all agree they want the Congress to pass a program where we are helping the marketplace to solve this problem by creating a system where you trade these units of carbon dioxide reductions and where you have a cap on the total level of emissions in order to push people to go out and adopt this program.

What this program does is provide certainty to the marketplace. If you talk to those on Wall Street today, they will tell you what they want is certainty. They want to know what is the pricing of carbon. This allows the marketplace to adjust and set the price of carbon. It allows the marketplace to come up with the mechanisms and indeed drives a lot of venture capital money into the efforts to create the alternative renewable fuels that are the better long-term economic responses to global climate change and to the imperatives to reduce emissions.

In addition, let me say my colleagues, with all due respect, have continually overestimated and overstated what the costs of doing this would be. I wish to refer back to the acid rain debate. I was part of those negotiations. I remember sitting in a room off the Senate floor with former Senator George Mitchell, Bill Reilly, JOHN SUNUNU, and others, and we negotiated. The very people who today stand up and say don't do this, it is going to cost too much, are the same people who, in 1990, said don't do it, it will cost too much. They came in with industry-driven figures. The industry-driven figures said it is going to cost $8 billion and will take 8 years, and you are going to bankrupt America. To the credit of George Herbert Walker Bush, he didn't buy into those figures; he accepted the figures of the environmental community, which came in and said it is not going to cost $8 billion; it will be about $4 billion and it will take about 4 years. To the credit of President Bush, we did it. They were all wrong because it cost $2 billion or so and took about 2½ years. It was 25 percent of the cost that was predicted. Why? Because nobody is able to predict what happens went the United States of America sets a national goal and we start to target our technology and innovation and move in a certain direction.

What I am hearing from our venture capitalists and scientists is they are already moving in that direction. They are already exploring unbelievable alternative fuels. If this passes, we will create much more incentive and energy behind that race to find those alternatives. I predict there will be two or three ''Google'' equivalents created in the energy field in the next 10 to 15 years if we pass this bill and start moving in this direction.

There are plenty of economists out there to document what I said. Nicholas Stern, former chief economist at the World Bank, said the investment of 1 percent of GDP can stave off a 5- to 20-percent loss of GDP. So when colleagues say to us don't do this because it is going to cost too much, they don't ever tell you it is going to cost more not to do it. It is going to cost us much more not to do it. Every year we delay and wait, we drive up the curve of what we have to grab back to reduce in order to meet the target goals. So, in effect, delaying will make it more dangerous, as well as more expensive, because you are going to have to grab back more and faster in order to make up the difference. Frank Ackerman at Tufts recently updated the Stern model. He found that four global warming impacts alone—hurricane damage, real estate losses, energy costs, and water costs—will come with a price tag of 1.8 percent of U.S. gross domestic product, or almost $1.9 trillion annually, by the end of the century. Bill Nordhaus, at Yale University, and Robert Samuelson, of the Washington Post, might take issue with some of Stern's methods, but the larger point is there; that those are huge figures, much bigger figures, being quoted on the downside of not doing anything rather than the cost of doing something.

In the end, addressing global climate change is going to be good for American business, and those businesses that are supporting it understand it is going to be good for American business. We can actually market our technologies. We can get involved in technology transfer with other countries. We can rejoin the global community in an effort to act responsibly. Once we put a cap on carbon, we can expect an explosion of new technologies which will take advantage of that new market.

The fact is, I think that is one of the most exciting things I have run into. I met recently in Massachusetts with 45 Massachusetts green energy companies. We have companies that are taking construction waste right now and they are turning construction waste into clean fuels and selling electricity. That could spell the end of dumpsites as we have known them in America, of landfills if we take that product and turn it into energy that is clean.

We have a battery manufacturer in Watertown, MA. That battery is powering a car for the distance of 40 miles of travel. The length of the average American commute is 40 miles. So if we were to push these batteries out in the marketplace, the average commuter in America could go through the entire day barely touching a drop of gasoline. People today who cannot fill up their tank completely because their credit card shuts off would all of a sudden be filling it up once a month or more. That is the future of America.

The price of fuel is going to go down because, in fact, this bill lowers our imports by almost 8 million barrels a day. If we do that, it is inevitable that we will be paying less money and lowering the price of gasoline. The fact is, to not do it is to see a continued increase at a rate the American people cannot afford.

I mentioned this in the caucus earlier today. I met a week ago with Dr. Craig Venter, who is the person in the private sector who did the mapping of the human genome. They are taking the knowledge they now have from the mapping of the genome and are using that to apply it in biology, to synthetic biology where, through certain microbio processes as well as through photosynthesis, they are now taking carbon dioxide and using it as a feedstock for the creation of new fuel. If that works, that is just a total game changer—a total game changer—if we can actually take carbon dioxide, which is the biggest problem we face with respect to global climate change, and turn it into something that is positive in a fuel alternative.

There is more to say on this issue. There will be more to say in the next days. I look forward to this debate.

Mr. President, I ask unanimous consent for 5 additional minutes.

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

Mr. KERRY. Mr. President, in 2006, the renewable sector of energy in America generated 8.5 million new jobs, nearly $970 billion in revenue, over $100 billion in industry profits, and more than $150 billion in increased tax revenues at all levels of government.

One study found that with a serious commitment to an aggressive clean energy strategy, we could create 40 million jobs and $4.5 trillion in revenue by the year 2030, which is not even the end of the period this bill seeks to address in terms of reductions. We can create millions of jobs at every single level of our economy. We can create jobs for scientists, jobs for professors, jobs for people in the software and computerware business, jobs that come all the way down the food chain in terms of every aspect of American life and particularly in the infrastructure and construction industries where we would be building the new plants and new facilities and the new delivery systems for all of this technology.

This is the future. This is the future we can see because we have been there before. The United States has transitioned in fuels before. We used to do everything by burning wood, and then after we burned all the wood around our cities and learned we could not do it anymore, we discovered oil. We used to use whale oil from Nantucket, MA, and lit most of the streets in New England. Then we moved to a mix of items, including hydro, coal, even nuclear ultimately.

We are in that next transition now. I remind my colleagues that one of the sheiks who helped organize the oil cartel years ago said the stone age did not end because we ran out of stones, and the oil age will not end because we have run out of oil. The oil age will end because global climate change and global warming are sending us a message about what is happening to this planet.

We have a God-given responsibility. You can read Genesis or Isaiah or any of the other parts of the prophets, and there are enough references to our responsibilities as individual human beings to be the guardians of the Earth, to protect this creation. That is why many Evangelicals and others are supporting this bill, because they understand that responsibility. Anybody here, whether they are religious or not, ought to understand the fundamental responsibility we have not to see 30 percent of the species wiped out and whatever possibilities of disease cures with any one of those species as yet undefined and untested.

This is the greatest challenge we are to face. We are staring in the face of opportunities where the United States has the ability to strengthen our economy, provide more jobs, save fuel, provide alternatives for people, reduce the cost of day-to-day life, and, in the end, live up to our responsibilities as legislators.

I remind my colleagues of what President Kennedy once said of the race to the Moon when he challenged America to go there. There were a lot of doubters and a lot of people who thought it was a pipe dream. President Kennedy himself was not absolutely certain, did not know for sure we could do it, but he believed in America. He said this is a challenge we are willing to accept, one we are unwilling to postpone, and one which we intend to win. And he said we have to do it not because it is easy but because it is hard. That is the kind of spirit this Congress and this Senate ought to show now. This issue is a lot easier, frankly, than going to the Moon, and the United States has proven we can do the former. Now we need to do what we can to reduce the emissions that create global warming and threaten all of us.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Mr. President, in dealing with climate change, there are certain principles I always apply in assessing the approach to this issue. One is that our Nation will continue to need and depend on fossil fuels. Fossil fuels must be a part of any effort to achieve a cleaner energy future. There is no way we can get there without them. No. 2 is a strong American economy, one that creates jobs, that creates new technologies. That is critical to developing the tools we need to capture and sequester carbon. China and India will not address carbon emissions until such technologies are developed. And No. 3, we cannot afford to hurt the very regions, the very industries, and the very workers who will provide that technology through hard work and innovation.

In terms of economic impact, I have serious concerns with the Lieberman-Warner approach as currently written. According to a recent study done by the National Association of Manufacturers, the negative economic impact to the Rocky Mountain West and to my home State of Wyoming is very real and significant. The impact is perhaps the greatest in terms of high gasoline prices for folks all across the Rocky Mountain West. Gasoline prices for western families will increase significantly under this bill.

Every day, folks in the Rocky Mountain region are going to have to drive long distances. They do it to get to work. They do it to shop for food. They do it to go to school. The distances, in many places, are much greater than they are in other parts of the country. My home State of Wyoming ranks at the top of the list of all the States in terms of vehicle miles traveled on a per capita basis. I drive these roads every weekend visiting folks in Gillette, Riverton, Cheyenne, and Casper. They are hours apart. Westerners are rightfully upset about how much they are paying at the pump. I am sure my colleagues' constituents are too. Letters come in every day from all across Wyoming asking when Washington is going to help them. Yet we hear in testimony from the Energy Information Agency that gas prices under this bill could go up anywhere from 40 cents to $1 a gallon. Others are predicting it could go up even higher than that. Whichever estimate you choose, whichever one you choose to look at, gas prices are going to go up under this bill.

Why will it be even worse in the Rocky Mountain States? Partly because the West and Rocky Mountain West rely on small refiners for their fuel. It is not uncommon in the Rocky Mountain West to have the local gasoline station in these small towns be

just across the road from the small refiner. Towns depend on these refiners for their fuel. They provide the fuel for the families of the West. Without the small refiners, Wyoming and the Rocky Mountain West would have to ship our gasoline in from out of State.

The small refiners do not fair very well under this bill. They have to compete with the large refineries for a small portion of the allowances. Without additional help, they will go under and an entire region of the country will pay even more significant increases in the price of their fuel.

Some may try to lump small refiners in with the big oil companies that actually produce the oil. The small refiners have to buy their oil from that oil producer. These small refiners are paying $125 to $130 a barrel for oil, and it is having a devastating impact on them. Some have suggested that they simply pass along the cost to the consumer. Tell that to the folks in the West who are already being punished at the pump.

This part of it is not a partisan issue at all. I plan to offer an amendment I am working on with Members of both sides of the aisle——

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

Mr. BARRASSO. I will yield, if I may, at the end of the presentation.

I want to work with others to offer this amendment because this affects everyone in the Rocky Mountain West.

Gas prices have reached the point where people are simply driving less. Family vacations and school field trips are being canceled. People are working 4 days a week but longer hours each day. Why? Because of the high cost of fuel.

Some may say: Great, we want people to drive less. Some may say: Hey, have your constituents take alternative transportation, public transportation, such as the subway or bus. As many of you know, we in the West have spectacular, majestic rural areas that many of you enjoy on your vacations. We ask you to come and visit our national parks, our many State forests and monuments. But these majestic natural places come with a cost: there is no subway.

High gasoline prices are just one of the many major negative economic impacts to the West under this bill. Job loss is another major factor. The National Manufacturers Association study projects that Wyoming would lose between 2,000 and 3,000 jobs by 2020 and double that by 2030. Montana would lose between 4,000 and 6,000 jobs in 2020, double that by 2030. Utah would lose 10,000 to 15,000 jobs in 2020, double that by 2030. The numbers in the West go on and on. What kinds of jobs will be lost? Jobs in the energy sector, jobs that pay well, jobs with pensions, jobs with health insurance—the kinds of jobs we should be protecting in this country.

Westerners are being told by the supporters of this bill: Don't worry, green-collar jobs will replace the jobs lost in the West. Where is that written? What guarantee can you point to in this bill that a family in Gillette or Laramie or Riverton or Cheyenne is going to get a green-collar job? And what is a green-collar job? Will they get the job the minute they lose the one they have now? How long will they have to wait? Will they have to uproot their family and move to find work? Where is it written in this bill that the pay and the benefits of the so-called green-collar job will be equal to the job the bill takes away? The reality is it is not written anywhere.

In terms of energy costs, the situation is not very good for the Rocky Mountain States. Wyoming is among the top five States in what are called heating degree days. That is a measure of what it takes to heat a home all throughout the year. If you have been through a Wyoming winter, you would understand why. The most vulnerable people in my State, the seniors, people on fixed incomes, cannot afford to have their energy bills increased.

Why are we asking people all across the country to pay more of their hard-earned dollars on high gas prices and energy prices in this bill? I frankly cannot answer that, except to say, That is Washington for you.

But it gets worse for Wyoming. According to a National Association of Manufacturers' study, Wyoming coal would face a severe decline. That too would result in lost jobs, broken family budgets, and displacement. As I have said, fossil fuels, including coal, are vital to our energy security. We need to make them cleaner because they will remain a vital part of America's energy mix. Clean coal technology is still a work in progress. It will take time to perfect. The men and the women of Wyoming who are the backbone of the coal industry are essential to providing clean coal technology to America.

America simply cannot tolerate the lost jobs and the high energy prices that will come from dramatic decreases in coal production under Lieberman-Warner. As I stated in the beginning, we need to have a strong economy. We need an economy that creates jobs and fosters innovation. That is how to provide the clean energy technologies we need.

It is not only the Rocky Mountain West that is going to be hard hit by this legislation. The Energy Information Agency testified before the Memorial Day recess in the Senate Energy and Natural Resources Committee that the larger price impacts occur from Lieberman-Warner in those regions of the country that are most reliant on coal. So that is also the South. It is also the Midwest. That is rural America.

The median income in Wyoming is $46,000 a year. Wyoming family budgets are predicted to lose between $1,000 and $3,000 a year in income over the next 13 years and double that by 2030 under this bill. Many families in Wyoming would have to dedicate $1 out of $5 from their family budget for energy costs under this bill. This is what rural America can expect under this bill. Sadly, it appears the impacts of the bill hit lower income families the hardest. It doesn't have to be this way. I truly believe we can address climate change. There are better ways and more economically friendly approaches, and those ways that can make a real difference.

Earlier this year, I introduced legislation to address climate change. I believe overlooked in the debate are greenhouse gases that are currently in the atmosphere—the gases that are currently contributing to the warming of the planet. The best science tells us it is a factor. To what extent, we are not sure. It would seem to me a worthy approach to find a way to remove existing greenhouse gases from the atmosphere and permanently sequester them. This is the other end of the problem. Now, to accomplish this, we are going to need to invest the money to develop the technology. The approach my legislation takes is to address this through a series of financial prizes, where we set technological goals and outcomes. The first to meet each criteria would receive Federal funds and international acclaim. The prizes would be determined by a Federal commission under the Department of Energy. The commission would be comprised of climate scientists, physicists, chemists, engineers, business managers, and economists. They would be appointed by the President, with the advice and consent of the Senate. The awards would go to those, both public and private, who achieve milestones in developing and applying technology, technology that could significantly help to slow or to reverse the accumulation of greenhouse gases in the atmosphere. The greenhouse gases would have to be permanently sequestered, and sequestered in a manner that would be without significant harmful effects.

I believe this approach is only one example of how we can tackle the problem of climate change in an economically acceptable way without sacrificing real progress. I hope as we begin this debate on this issue, more Members of this body embrace approaches that address climate change while protecting jobs, family budgets, and the industries we count on today.

I have repeatedly asked questions during the hearings in both the Environment and Public Works Committee and the Energy and Natural Resources Committee on this bill about what the impact will be on my home State. To date, I have not been able to get a straight answer. I am relying on the State-specific numbers that we have available. If you don't like the National Association of Manufacturers' numbers, then try the Heritage Foundation. The Heritage Foundation is predicting major job losses in the Rocky Mountain West. The study says

Wyoming will lose 1,100 jobs by 2025, and Utah will lose over 5,000 by that same year, with Montana losing 1,800. Most of those will be manufacturing jobs. And those are the numbers that predict job losses even if everything in the bill goes according to plan, including full implementation of clean coal technology.

It is important to note that gas prices nationally will go up 25 percent under Lieberman-Warner, according to the Heritage Foundation. Another source, the Energy Information Agency, testified at the Energy and Natural Resources Committee and said gas prices would go up 40 cents to $1.

As Americans, we have always looked within ourselves for solutions. We have always had confidence in American ingenuity and American creativity to deal with the challenges of the future. Yes, we want to protect our environment; and, yes, we want a strong economy. It just so happens that the one does rely on the other.

It has been said that the environmental movement in the United States was born out of America's prosperity. Americans who had benefited from post-World War II prosperity began to become more concerned with clean air, with clean water, and with land management. Since then, a prosperous America has also been an environmentally conscious America. Nothing could be more true in terms of addressing climate change. Let's keep our economy strong, let's use our untapped human potential and American spirit to develop the technological solutions we need.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. KERRY. Mr. President, does the Senator still have time?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KERRY. I understand we have 5 minutes; is that correct?

Mrs. BOXER. Why don't you take 2 minutes.

Mr. KERRY. I ask the Senator, first, is he aware that the National Association of Manufacturers' report allows for zero technological advances; that it has no technological advances taken into account whatsoever? Does the Senator believe, in fact, the United States is not going to make any technological advances in the days ahead?

Mr. BARRASSO. Mr. President, every study—every study—points to lost jobs and higher energy prices, higher gasoline prices, whether it is the Heritage Association or the National Association of Manufacturers. I have looked at study after study after study. I have read the books and visited with experts around the country and around the world, and everything I am seeing and reading takes me in that direction, and that is that gas prices will be going up and jobs will be lost.

Mr. KERRY. Mr. President, again, it is not true that every study says that. In fact, the EPA study itself comes out with about a .04 change in GDP at a time when the GDP is going up 97 percent according to our own administration. So it is simply not accurate to say that every report says that.

Secondly, I wish to know on what scientific study the Senator bases the notion that we are going to get the carbon dioxide out of the atmosphere in time to be able to deal with the predictions of what is happening, which require us to move immediately to deal with emissions. Could the Senator tell us what scientific report says we can get it out in time to meet this challenge? And does the IPCC, the 2,000 scientists who have been working on this for years now, suggest that is an alternative?

Mr. BARRASSO. Mr. President, that is why I introduced the GEAR Act earlier this year and gave a speech from this Chamber at this desk talking about giving the same kind of prizes that allowed people 500 years ago to understand longitude so ships could sail the seas; the same kind of prizes Charles Lindbergh was searching for when he flew across the ocean. It is those kinds of prizes and incentives that say, Let's get our best minds working on this. I don't know what the timetable is. I have talked to the scientists, and I say, Let's put in incentives, and that is why I brought that bill.

Mr. KERRY. The answer is, there is no study. The answer is, there is no serious scientist who is suggesting we can meet the needs of global climate change and conduct some long-term analysis of whether we can get it back out of the atmosphere. It doesn't exist. It is nonexistent.

Secondly, the analysis used by the National Association of Manufacturers has a skewed oil price which completely cooks these numbers; and it is a report which has no allowance whatsoever for any technological advancement. That is not representative of the United States of America when we talk about the technologies I talked about. Moreover, they are the same people who came in in 1990 with those crazy predictions of what it was going to cost us to do the other.

I think the people who relied on people who were wrong years ago have a bigger burden of proof to come to the floor now and show us they have a study that actually makes sense.

Mrs. BOXER. Mr. President, I was hopeful to have 5 minutes, and I know Senator INHOFE is going to take a lot of time to rebut, so I ask unanimous consent to take 5 minutes now.

The PRESIDING OFFICER. Without objection, the Senator is recognized for 5 minutes.

Mrs. BOXER. Mr. President, I have to say it is amazing to me how a Senator from a place that is almost ground zero on global warming could stand up here and be so negative, very unlike his Governor.

I ask unanimous consent to place in the RECORD the testimony of the Hon. David D. Freudenthal, Governor of the State of Wyoming, before the House Select Committee on Energy Independence and Global Warming.

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

TESTIMONY OF THE HONORABLE DAVID D. FREUDENTHAL, GOVERNOR, STATE OF WYOMING, BEFORE THE HOUSE SELECT COMMITTEE ON ENERGY INDEPENDENCE AND GLOBAL WARMING

GREETINGS

Mr. Chairman, distinguished members of the Select Committee thank you for the opportunity to appear before you and comment on the future of coal under carbon cap and trade. This is really a discussion on carbon management, more particularly carbon capture and sequestration, which inevitably leads to a discussion of the role of coal in fueling the American and international economy.

WYOMING IN CONTEXT

Please allow me to place my comments in the factual context of Wyoming as a state committed to both energy production and environmental protection. I find people in Congress are most familiar with our two national parks—Yellowstone and Grand Teton—and our role as the leading coal producing state in the nation with production of 446 million tons of low sulfur coal in 2006.

What is generally not as well known are the other forms of energy Wyoming produces. Depending on the day of the week and the mood of our friends in Oklahoma, we are either the second or third largest natural gas producing state in the country with annual production a bit over two trillion cubic feet or about 10% of the domestic supply. Wyoming has for several years been the largest producer of uranium in the country with approximately 2 million pounds a year of yellowcake (uranium concentrate) produced. We currently rank in the top quartile of states in wind generation, and have an estimated 8,000 megawatts of developable wind when the transmission constraint is released. Two projects have been announced recently which will add approximately 200 megawatts of capacity and at least 10 wind power projects are in various stages of review and development with state regulatory agencies. We produce about 53 million barrels of oil annually placing Wyoming in 7th place among the states.

Put another way on a net BTU exporting basis, subtracting state consumption from state production, Wyoming is by far the largest energy exporting state in the nation providing about 10 quadrillion BTUs or roughly 10% of the country's energy supply. [See attached graphic]

COAL IN CONTEXT

My purpose today is not to argue, but to recognize some fundamental realities.

Like it or not, coal is going to be used in America and the world for some time to come. Even without any new coal fired plants there are 1,522 existing generating plants consuming over one billion tons of coal per year. Over the next twenty years, new and replacement generating capacity is forecast at 292 gigawatts, the equivalent of 25 coal-fired power plants each year. While conservation and efficiency programs are forecast to make a real dent in the rate of growth of electricity consumption, we are going to need every form of energy we can harness including clean coal, natural gas and renewable resources. Non-hydro renewable resources of wind, solar and geothermal meet less than 1% of our energy needs today. Fossil fuel sources provide over 80%. For the

foreseeable future, carbon based resources are a necessity if we want to keep the lights on. Hence, any serious carbon management effort must include aggressive support for carbon capture and sequestration.

WHO PAYS?

Without question, long term carbon management is going to cost a lot of money. Private and public sector investment will be redirected and those costs will ultimately fall to taxpayers and consumers. Carbon capture and sequestration will also consume significant energy in the capture processes, compression and transportation which of course will add to operating costs. It would seem an appropriate policy goal then to pick those processes most likely to yield the greatest effectiveness at least cost to the consumer/taxpayer.

Consumer energy costs are not a trivial matter in my state. A recent analysis we completed suggests that the lowest income quartile, those households earning less than $25,000 per year pay about 16% of their income for energy. Those in the highest quartile pay on average 2–3% of their income for energy. So those that can least afford it. pay 7 to 8 times as much a portion of their income for energy as most of us in this hearing room. Imagine what happens if the cost of energy rises 15, 20 or 25 percent and that differential begins to rise exponentially. In my small state that would affect over 51,000 households or 25% of my constituents. That means nearly 130,000 people are going to have to make very hard choices about how they spend scarce dollars. As policy makers we cannot ignore this issue in our search for solutions.

NO SILVER BULLETS

It is clear the public attitude is changing with respect to greenhouse gas management and as proof you need look no further than the ads surrounding the Sunday morning talk shows. Company advertising now talks about how green they are, not how efficient they are, or how much growth they enjoy. Other advertisements publicly shame firms which make money off of projects or companies which do not meet the ''green'' test. And much of the public conversation is about increased consumption of natural gas in lieu of coal.

But even the current shift to natural gas is not without carbon implications. Burning natural gas has fewer CO_2 emissions per unit of electricity produced but still has carbon emissions and if one considers the upstream footprint of exploration and production natural gas is an answer, but not a perfect answer. For example, in my state, natural gas processing plants emitted 6.9 million metric tons of CO_2 equivalent in 2005, representing nearly 25% of our net carbon footprint. One of the two largest plants operated by ExxonMobil has a large well field and plant that produces natural gas, helium and CO_2 for the enhanced oil recovery industry. However much of the CO_2 is currently vented to the atmosphere. In fact, for every million cubic feet of natural gas produced, nearly two million cubic feet of CO_2 is produced and a majority of it is vented to the atmosphere. My friends in California where much of the natural gas ends up don't always take this into account when they do their carbon footprint analysis.

STATE PERSPECTIVE

We believe the state has a role in managing greenhouse gases and to that end we have begun to construct the legal framework to do so. However, even the simple question of who has the right to sequester CO_2 under state law is amazingly complicated. Does that right belong to the surface owner or to the owner of the mineral estate? How do we take into account the vast federal ownership of both the surface and mineral estate?

From the point of view of a Governor, the absence of a well thought out, cogent federal policy that maps the pathway forward makes the task of setting workable rules, regulations and operating practices that much more difficult. This is equally true for the private sector. Until someone monetizes CO_2 through performance standards with offsets, cap and trade or some variation of these schemes the marketplace is wandering in the desert. The level and pace of technology development will be set largely by the scheme you adopt as the price of carbon, the timeline for implementation and off ramps such as safety valves anchor the assumptions behind any economic investment. With these variables in mind, the structure needs to be set sufficient to promote large scale demonstration projects sufficient to resolve the outstanding questions in a rational but aggressive manner.

We meet with folks who are absolutely serious about developing new plants to supply energy and they assume they will live in a carbon constrained world. They fully anticipate sequestration of $C0_2$ or the necessity of some other mechanism to manage greenhouse gases. Most are not shy about their dislike of taxes or escalating costs, but uncertainty about future carbon rules absolutely overwhelms every discussion. It appears to me that a number of these investments will never come to fruition until the other shoe drops and the boundary conditions are established for the risk with respect to carbon management.

In a minute I will list some specific actions I think make sense, but first I want to make an observation as a predicate to those recommendations. It is the simple notion that when it comes to carbon management, it is difficult but necessary to admit what we don't know. Because in the absence of full knowledge we tend toward absolutist positions like ''only wind'', ''no nukes'', ''only biomass'' or ''no coal''. I am not sure the federal government knows how we should construct the greenhouse gas management regime and I am not sure industry knows either.

If you will grant me this observation for a moment, it seems a prudent course would be to pick those activities we believe must be undertaken no matter what path ultimately proves to be the correct one. For example, we know we need studies and demonstrations putting $C0_2$ in the ground in quantity to determine the physical facts i.e. measuring, monitoring and verifying sequestration data in the real world. We favor an array of these demonstrations as proposed by the Department of Energy carbon sequestration partnerships as a sensible approach given different conditions across the country.

Additionally, we know there are differences between enhanced oil recovery (EOR) and carbon sequestration which may or may not overlap. Monetizing a $C0_2$ stream for the purposes EOR may mitigate the cost impact on consumers in the early years of a carbon policy. This needs to be studied with some degree of granularity.

Staying with the theme of moving from the abstract to real world data, I believe we need to accelerate those programs that lead quickly to economically viable, commercial scale electric generation plants. This would include both super critical pulverized coal plants with significant carbon capture and sequestration as well as integrated gasification combined cycle (IGCC) plants with carbon capture and sequestration. My observation is that substantial federal underwriting to hasten this process is required to assist those companies willing to pursue these types of plants. Short of constructing and operating these plants and learning the lessons required to engineer follow on plants, we will be confined to the laboratory bench and speculation.

While I have heard and seen a number of presentations I am not sure there is definitive information on available technologies and the quantitative analysis surrounding commercial deployment of carbon sequestration. Academics and companies have their plausible estimates but I have yet to see money changing hands in a commercial transaction. In fact the discussion with the individuals charged with financing these projects, quickly becomes an exercise working through a list of the uncertainties. On that list are not only questions about the technologies involved with carbon management but the impact of the hyper-inflation in material, manpower and construction costs. Simple questions such as whether CO_2 capture and sequestration costs (capital and operating) will be recoverable as part of a utility's rate base has yet to be answered.

With respect to the federal-state interface and their respective roles in this enormous undertaking, we favor a model of federal standards and state implementation. The Clean Air Act is an example of how this might work. One important difference however between that process and our current situation is the state of development of the technology enabling implementation. Hence another threshold activity would seem to be the federal underwriting of the research and development of capture and storage technology to the point of commercialization. We need to not only understand the capital costs but the operating and maintenance costs through time. Additionally, the likely internal energy requirements to implement both a robust capture system and preparing CO_2 for transport and sequestration are most probably significant. This needs to be understood not only by the plant design engineers but by public policy makers as well.

Indemnification and risk assumption and at what juncture are also critical unresolved issues. There is precedent that the private sector absorbs the operational risk related to capture, transportation and injection. But post-injection risk, namely in situ liability of harm to human health, the environment and property related to CO_2 leakages needs to transfer to the public sector at a reasonable point in time when the operational risk of the initial process has practically concluded. Funding for this long-term risk management pool would likely need to derive from the monetization of CO_2 through a federal cap and trade or taxation system.

Another point of separation between the historically successful management of sulfur dioxide and carbon dioxide is the amount of material involved. In rough terms there is about 250 times the amount of material involved in dealing with CO_2 as with SO_2 in electric power generation. It would seem a detailed study of the required infrastructure would make sense. What will it take to move significant amounts of CO_2 from generation source to ultimate sequestration site? How much pipeline capacity will be needed and where will it need to be installed? What are the energy requirements to move large amounts of CO_2? What design standards will need to be in place and in force to ensure safe handling?

Resolving these vital questions requires a long-term commitment to fund demonstration projects at scale, to monitor, measure and verify the CO_2 activity and begin to build a risk assessment profile. According to a recent MIT study, to do so requires an 8–10 year commitment and a federal commitment of at least $1 billion/annum. But with a projected decline in GDP growth of $400–800 billion if carbon capture and sequestration is

not deployed, our economy stands to suffer a far worse outcome if CCS is not commercially available in the next few decades.

STATE ACTIVITIES

As I mentioned before, Wyoming has undertaken a number of activities to address the management of greenhouse gases. We are a founding member of the Climate Registry.

We are in the process of conducting an inventory of greenhouse gas sources to establish our emissions baseline and begin to identify practical opportunities for reduction. Many of our significant oil and gas companies are members of EPA's Natural Gas STAR Program which implements best practices to reduce methane emissions in natural gas exploration and production. For a number of years, our Department of Environmental Quality has employed a permitting protocol requiring best available control technology (BACT) for oil and gas minor sources which significantly reduce greenhouse gases. We have for many years had a Carbon Sequestration Committee investigating terrestrial sequestration opportunities springing from our agriculture lands and forests.

We have funded a study underway by the Wyoming State Geological Survey to identify optimal CO_2 sequestration sites and to date they have found a site that is calculated to store all emission from every source in Wyoming for 350 years (20 billion tons). We have funded and operated the Enhanced Oil Recovery Institute at the University of Wyoming which assists primarily independent oil producers in finding suitable fields and employ CO_2 floods to produce more oil. We participate in two carbon sequestration partnerships and have proposals for large scale demonstration projects at two promising sites. We have established the Wyoming Infrastructure Authority, a state instrumentality to address the electricity transmission constraint that keeps our vast wind resource from the marketplace. Recently, Rocky Mountain Power has announced plans to build nearly 1200 miles of high voltage power lines across four western states. We have competed in the FutureGen competition making the case for a western mine mouth plant located near both enhanced oil recovery well fields and deep saline aquifers for long term carbon sequestration. We have actively and seriously pursued section 413 of the Energy Policy Act of 2005 which calls for an Integrated Gasification Combined Cycle (IGCC) electric generation plant with carbon sequestration at an altitude above 4,000 feet with low ranked coals in a western state. We have signed a Memorandum of Understanding (MOU) with the State of California and particularly the California Energy Commission and California Public Utility Commission to work toward the development of this IGCC plant. We have funded a clean coal request for proposal (RFP) process with intention of drawing the best ideas from industry partnerships to advance the state of the art in clean coal technology.

We have established the School of Energy Resources at the University of Wyoming and will dedicate a portion of our time on the National Center for Atmospheric Research (NCAR) supercomputer to sequestration reservoir characterization. We have passed statutory incentives for the development of wind energy. We are exploring an exchange with a Chinese province focused on CO_2 sequestration.

SUMMARY

As you can see we are expending a good deal of money, time and talent in the pursuit of greenhouse gas management and will continue to do so. But please recognize this is just the tip if the iceberg and we need federal involvement in a serious way to really move forward in a meaningful way.

My recommendations for the Committee's consideration are three. First, continue to focus the debate on the proper, rational and achievable framework that leads to the monetization of carbon. However, let me be clear here, I am not urging continued inaction. The lack of a federal plan essentially paralyzes the other players, both private and public sector.

Secondly, focus short-term spending and federal underwriting on the nearly universally agreed upon activities of carbon capture and sequestration. With respect to capture, a better understanding of the technologies particularly the economics and power requirements is fundamental. Given the amount of material involved, a comprehensive study of the infrastructure requirements to move CO_2 from source to sink is necessary. With respect to storage, continuation or acceleration of the multiple current sequestration projects which will put CO_2 in quantity in the ground is essential.

Finally, the Congress should take up the issue of parsing the long-term liability of carbon storage. Serious investment in plants which will make use of carbon sequestration will likely not be forthcoming until this issue is settled.

It is my understanding that there have been over 105 hearings on this and the broader topic of energy independence in just the last eight months. I ask to you consider what specific information is still required to chart the course. For while I'm only one Governor, we will commit our resources towards obtaining the answers you need, so that we can effectively move forward now. The problem at hand is enormous, climate change does not wait for us and we cannot afford to delay.

Mr. Chairman, thank you for your time and attention.

Mrs. BOXER. Mr. President, to quote part of what Governor Freudenthal said:

> I am not urging continued inaction. The lack of a federal plan essentially paralyzes the other players, both private and public sector. The problem at hand is enormous. Climate change does not wait for us and we cannot afford to delay.

I have had many conversations with the good Governor, and let me tell you why he is upset. The West has got problems. In my friend's own State, the average temperature rising in the Colorado River Basin, which stretches from Wyoming to Mexico, is more than double the average global increase. So his State is facing real problems, and essentially he gets up here, and has every right, and reads off the National Association of Manufacturers' talking points. I thought the West was independent. I am a little stunned.

We are hearing the same things now over and over: Raising gas prices. Let us look again. Under George W. Bush, we have had a 250-percent increase in gas prices. Where was my friend when we tried to do a windfall profits tax and give back the money to his poor working people he is crying about today? He wasn't with us on this. He has never been with us on this.

The fact is, we know if you look at this administration's own charts, not the National Association of Manufacturers', we will lower gas prices, because clearly we are going to have other technologies—other technologies. And the fuel economy standards that we passed here—and I don't know if my friend supported them; I hope he did—are going to make it cheaper for folks to drive because their cars will do better. So if there is a 2-cent-a-year increase—which is the outside limit, by the way—as Senator LIEBERMAN says, at the end of the day it won't be an increase for our families.

Now, my friend talked a lot about working people, so let's talk about working people. Let's see the working people who support this bill. My friend says he talks for working people, so I will tell you who is supporting the Boxer-Lieberman-Warner bill. The International Union of Operating Engineers. They see jobs, jobs, jobs. The building and construction trades. They see jobs. The International Association of Bridge, Structural, Ornamental and Reinforcing Iron Workers; the International Association of Heat and Frost Insulators; the International Brotherhood of Boilermakers, Iron, Shipbuilders, Blacksmiths.

I don't have enough time. I don't have enough time. The Laborers International Union of North America. It goes on and on. So when folks on the other side get up and say they are crying for working people, why don't you listen to working people? Because they see what is happening.

Let me tell you, my friend, what is happening in California, where we have a cutting-edge global warming law, and whether this bill passes or not, they are moving forward. So are the western States, I say to my friend. The fact is, let me tell you what is happening. We have a terrible recession in my State because of the crash of the housing industry. We are hoping we come out of this, but in the meantime, I am told by my Governor, who is a Republican, Governor Schwarzenegger, who supported this bill, that 450 new companies, solar companies, have set up shop and they are hiring those workers.

Then my friend says: What are you doing for the workers? Take a look in this bill. We have worker training. My friend actually wrote one of the pieces of this part of the legislation. Universities have think tanks, and they have job training. We are very excited about the jobs that will come. We are excited about the fact that finally we will get energy independence.

Really, in a way, I smile. I am not happy about it, but I have to smile when my colleagues on the other side complain about gas prices when they stood there and supported George Bush through his whole term when gas prices have gone up 250 percent. What was his answer? He went across to the Middle East and held hands with a Saudi prince and begged. It did not work. Let's forget about these phony arguments and support this bill.

I yield the floor.

The PRESIDING OFFICER (Mrs. MCCASKILL). The Senator from Oklahoma.

Mr. INHOFE. Madam President, we have heard the same thing over and

over. This is only the second day. I guess we have maybe 10 days to go. The junior Senator from California is so interested in the fact that it is only up by 2 cents a year. Looking at the Energy Information Agency study, what is interesting about that is the Energy Information Agency study presumes that we would have an additional 260 nuclear plants on line. When the appropriate time comes I will be asking her that question, if she supports that.

We have several speakers coming down. Senator GRASSLEY from Iowa is coming down, so I will visit a little bit until he gets here. Then we want to go on schedule, and I am hoping we will be able to go back and forth and hear from a number of these Members.

First, I thank my colleague from Wyoming. I don't know what he experienced this last winter. When the Senator from California talks about temperatures and all this, it happens that we in the State of Oklahoma have had the worst cold spell during this last winter than we have in 30 years. I find this to be true all over the country. You just can't have it both ways.

One of the good things about this discussion and this debate is we are not going to be discussing the science. I know the Senator from Massachusetts talked about the scientists in the IPCC. I have to remind my friends across America, really it was the IPCC. That is the United Nations, in case nobody knows who the IPCC is. They are the ones who started all this.

By the way, anytime there is a quote from the IPCC, it is a summary for policymakers. Those are not—

Mr. KERRY. Will the Senator yield?

Mr. INHOFE. No, I will not.

That has nothing to do with scientists. We talked about 2,000 scientists. We have a list of 30,000 scientists who said: Yes, there can be a relationship between CO_2 and a warming condition, but it is not major.

Let me use an example. This is the best example because it comes from someone we all love dearly, former Vice President Al Gore. Former Vice President Al Gore wanted to explain to us how serious it was way back when he was Vice President. This is in the middle 1990s. He said he hired a scientist. The scientist's name was Tom Wiggly. Tom Wiggly was a well-known scientist, one who was supposed to know what he was talking about. He was the choice of Vice President Al Gore.

When he did this, the Vice President said: Do a study and tell us what would happen, how much cooling would take place if all of the nations who were developed nations—not developing nations, not China, not India, not Mexico—just the developed nations were all to sign onto the Kyoto Treaty and live by the emissions requirements. How much would that reduce the temperature in 50 years?

Do you know what the answer was? Do you remember that? You remember that. It was seven one-hundreths of 1 degree Celsius. That is not even measurable.

Of course, that is not Senator JIM INHOFE; that was Vice President Al Gore. Al Gore has done his movie. Almost everything in his movie—in fact, everything has been refuted. Interestingly enough, the IPCC—on sea levels and other scare tactics used in that science fiction movie, it has been totally refuted, and refuted many times, by the IPCC.

On the conversation we have been having on gas prices, if you look at different studies—you don't want to believe studies. Look at some of the government studies. They have a responsibility to come out with something that is realistic. If you do not want to do that, just use logic. If you are to pass a bill that has a cap on the supply of oil and gas in this country, and that cap goes into effect, by mere supply and demand the price is going to go up. It has to go up. So the EPA estimates that this bill, the Lieberman-Warner bill, will increase fuel costs an additional 53 cents per gallon, and by $1.40 by 2050.

The Energy Information Agency weighed in on the same thing and estimated gas prices will increase anywhere from 41 cents a gallon to $1 a gallon by 2030. While the climate bill's proponents, as we heard just a few minutes ago from the distinguished junior Senator from California, argued that this shows the gas price numbers going up by only 2 cents a year, that is assuming we have 2½ times the nuclear plants we have today. That is all written in this report. Right now we have approximately 104. That would be 260 nuclear plants.

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

Mr. INHOFE. No, I will not. Not now.

Then, getting into the nuclear, it is one of the things I think no one is going to argue with. You are not going to resolve the energy crisis unless it has a strong nuclear component. I think you are going to have some amendments coming up on this bill that certainly are supported by Senator WARNER, who is a cosponsor of the bill, that say we need to dramatically increase our nuclear capacity in America. I have been saying that for a long time.

If you look at European countries where there are not problems right now, in the European countries, actually 80 percent of their energy comes out of nuclear energy. In our country it is about 20 percent. I would say any kind of correction of this problem is not going to take place unless we have the nuclear plants.

The study that was referred to, the one that said only 2 cents a year, that is assuming we have an increase of 260 nuclear plants—it is wildly optimistic, impossible, can't be done. Nonetheless, that is what is being discussed. Nuclear energy is a very important part of our mix. It is going to have to be in the future.

I would say this: If I were on the other side of this bill, and I were trying to get this bill passed, I would welcome the opportunity to have that discussion on the nuclear amendment that will be offered by more than one person, but certainly offered by even the author of the bill, Senator WARNER.

I see the Senator from Iowa has arrived, and I think he is scheduled to speak for up to 30 minutes.

Mr. GRASSLEY. I probably will not take all that time.

Mr. KERRY. Will the Senator just yield for a question before he yields?

Mr. INHOFE. The problem with that is, as you well know, it is not very reasonable because we are on a schedule to listen to other people, other than the distinguished junior Senator from Massachusetts.

Mr. KERRY. With all due respect, Madam President, we are here to have a debate. It is hard to have a debate when you are talking all by yourself. If the other side wants to engage in a good discussion, there are an awful lot of things said that are inaccurate, and I wonder if the Senator wants to discuss them.

Mr. INHOFE. I will be happy to do that after the remarks of the Senator from Iowa. Is that all right?

Mr. KERRY. Terrific.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Madam President, on April 24 of this year the Senate Finance Committee held a hearing on the tax aspects of what we call the cap-and-trade program, which is an essential part of this bill before the Senate. At that hearing, the Director of the Congressional Budget Office, Peter Orszag, testified about the economic impact of a cap-and-trade system.

Then we also had Robert Greenstein of the Center on Budget and Policy Priorities testifying on the impact of a cap-and-trade system on low-income families.

I would like to share with my colleagues some very relevant information, in the case of my colleagues not having an opportunity to review the testimony that was before the Senate Finance Committee. Mr. Greenstein, who is often pointed to by Members of the other side of the aisle on economic issues, expressed support for policies to address climate change, but pointed out:

> Significant increases in the price of energy and energy-related products will necessarily occur as a result of the enactment of effective policies to reduce greenhouse gas emissions.

I think sometimes this issue is presented as though there will be no cost or that big corporate polluters will pay all the costs. On the contrary, we have then the CBO Director Orszag testify:

> Under a cap-and-trade program, firms would not ultimately bear most of the cost of the allowances but, instead, would pass them along to their customers in the form of higher prices.

So we are in this situation where everybody wants you to believe that corporations pay taxes or corporations absorb costs. But corporations are tax collectors or, if they have costs, they are passed on to the consumers and individuals end up paying. Mr. Orszag explained that price increases stem from the restrictions on emissions itself, and price increases are, in fact, an integral part of a cap-and-trade system. This is because price increases would be a key mechanism through which businesses and households would be encouraged to change behavior, leading to reductions of CO_2.

Regarding the impact of higher energy prices, I would like to refer to Mr. Greenstein again, whom I know many on the other side of the aisle very closely listen to about issues that affect the poor. He observed in his testimony:

> Households with limited incomes will be affected the most by these higher prices because they spend a larger fraction of their budgets on energy and energy related products and because they—

Meaning people who are in lower income levels—

> are less able to afford investments that could reduce their energy consumption, such as a new or more fuel efficient heating system or car.

That is the end of the quote from Mr. Greenstein.

It is important to emphasize we are not just talking about heating bills. Mr. Greenstein further testified:

> The impact of climate change policies on low-income consumers goes well beyond the direct effect of higher energy prices on their utility bills. More than half of the increased costs that low-income households would face would be for goods and services other than utilities.

Any item that requires energy to produce will become more expensive—common sense. Items he mentioned that would be more costly for low-income families are quite obvious—gasoline, food, and rent.

We have heard a lot of rhetoric from the majority party expressing concerns about the current high gas prices. Now they have brought before us a bill that would yet further raise gas prices. It seems like making points that are in conflict, very definitely in conflict. You cannot complain about high gas prices and then introduce legislation to raise gas prices yet higher.

The new substitute amendment does contain a token provision for tax relief for consumers, but it only allocates the revenue from 3.5 percent of the allowances in the first year for this relief.

Robert Greenstein, whom I have quoted many times—many of the supporters of this bill usually quote him, maybe on other issues—testified that 14 percent of the allowance revenue would be needed to shield low-income households from further poverty and hardship instead of 3.5 percent. The current bill still falls short even in the year 2030, when 12 percent of allowances will be available to fund tax relief for consumers and emissions will be 45 percent below 2012 levels.

Mr. Greenstein estimates that the average increase in energy-related costs for the poorest fifth of our population would be somewhere between $750 and $950 per year for a modest 15-percent reduction in emissions. Can you imagine the outcry if Congress passed a bill to raise taxes on the poorest fifth of our population by $750 to $950 per year? Some of the very proponents of this legislation would be those crying foul the quickest. But that is exactly what this bill will do. I guess the Democratic leadership is hoping no one will notice.

Be forewarned, just look at a recent election in Britain. The Labor Party recently enacted a new tax policy that was perceived as a tax increase on low-income people, and its approval ratings hit historic lows, leading to sweeping losses in local elections. If Congress is going to impose significant new costs on working families, we must take sufficient action to maintain their standard of living. However, that means more than providing benefits to offset direct costs imposed by the bill before Congress. All Americans rely on healthy economic growth to provide jobs and opportunity.

CBO Director Orszag testified regarding a CO_2 cap that ''the higher prices caused by the cap would lower real wages and real returns on capital, which would be equivalent to raising marginal tax rates on those sources of income.'' In other words, a cap-and-trade system has the same economic effect as the most antigrowth type of tax increases one could think about. We are talking about a loss of jobs. We are talking about a loss of economic opportunity for too many Americans.

The Environmental Protection Agency estimates that this bill could reduce U.S. manufacturing output by almost 10 percent in 2030 and could cut gross domestic product by as much as 7 percent—by $2.8 trillion—in the year 2050. So we have people proposing this legislation from whom I have sometimes heard outcries on the floor of the Senate because there is outsourcing of manufacturing jobs, losing manufacturing in the United States. We have a bill before the Senate that is going to make that situation worse, according to the EPA.

To help mitigate the adverse effect of a CO_2 cap, Director Orszag suggested that one option would be to use revenue from auctioning allowances to reduce existing taxes that tend to dampen economic activity. Instead, what does the bill do? The bill before us creates a raft of new Government spending programs. In fact, this bill is 491 pages long, and I have had my staff count how many pages of new spending programs. They counted 212 pages. Much of the rest of the bill, then, is devoted to creating new bureaucracy to manage new programs and to bring about new mandates. We are talking about $6.7 trillion in spending over the life of the bill. That is an astounding amount of money, even by Washington standards.

Of course, the authors of the bill will say these new spending programs would invest in new technology. I heard that sort of discussion on the floor of the Senate a week or two before we took our Memorial Day recess. I also heard speeches a couple weeks ago that it would help the environment in some way. One problem with that argument is that almost all of this spending would occur after the caps have taken effect because that is when the revenue from the allowance auctions will start coming in. So common sense tells me that is way too late. It is too late to start investing in alternative energy technology after we already have a cap in place that effectively limits the amount of energy that can be produced from fossil fuels. We need to develop those alternatives right now. If we wait, the pinch we feel from the cap will be much harder. We must have alternatives in place before caps.

I should add that even though this bill showers money on many industries and special interests in an attempt to attract political support, it does little or nothing to promote further use of wind energy. My interest in wind energy is that I happen to be the father of legislation that passed in 1992, and Iowa is one of the leading producers of wind energy of the 50 States. As a promoter of the wind energy tax credit, I can tell you that this is zero-carbon, zero-pollution technology, and it has tremendous potential to help meet any future carbon emissions goals.

Congress should take a very positive, concrete step toward reducing greenhouse gases right now. You don't do that by leaving wind energy out of the legislation. That step we ought to be taking right now would be to send to President Bush a package of extensions of expiring renewable energy production tax incentives. In order to become law, that package would need to be in a form obviously acceptable to the President. The Senate acted on this issue when the Cantwell-Ensign amendment passed the Senate in the housing bill debate. The full Congress needs to follow through and get it to the President. With those production incentives and investments in effect and way ahead of time of what this bill would do, the projects will be built and more green energy will be supplied to American homes, motor vehicles, and businesses.

I look forward to seeing these vital incentives extended, but we need to do more—much more—if we are going to have in place the alternatives to meet any future emissions targets. Instead, what does this bill do? This bill for the most part waits until the cap has already taken effect and we will need to start switching to alternative sources of energy. Only then does it begin spending money to develop the alternatives we will already desperately need by that point.

In addition, this legislation creates a whole new Federal bureaucracy, called the Climate Change Technology Board, to spend money. So we tax the American people. We are going to have an independent agency spend the money, independent of any other Government agency. It will consist of five Directors appointed by the President. This new unelected bureaucracy will have broad discretion to spend funds that are allocated directly to it without going through Congress and with minimal congressional oversight. Congress will only be allowed to block funding after the fact and only if it passes legislation within 30 days. Anyone who is familiar with the legislative process around here, particularly in the Senate, knows this is essentially a carte blanche to spend money.

I am sure we will hear justifications of how each of these new spending programs will do a lot of good. When we hear that, I urge my colleagues to keep one thing in mind: According to the EPA, a typical American household will lose $1,400 in purchase power, and $4,400 in 2050, due to this legislation. What we need to ask is whether these new spending programs justify a tax of $1,400, increasing to $4,400, on a typical American family.

The authors of this bill will say this is not a tax. I have already quoted the CBO Director saying that this bill will have the same economic effect as tax increases. We know this bill will raise trillions of dollars in Federal revenue, and CBO says it will consider auction proceeds to be Federal revenues. Spending in the bill, quite obviously, will be Federal outlays. In the process, American families are going to feel a tight pinch on their pocketbooks.

So you get back to something that is kind of Midwestern common sense about this legislation and about whether it is a tax increase or not a tax increase, whether it is a Federal expenditure or not a Federal expenditure, because where I come from, as the saying goes, if it walks like a duck, talks like a duck, it is a duck. Well, this looks like a tax and it talks like a tax.

The question is, What to do with the revenues? We are faced with a tough decision. With this much new spending, there is something in there for everyone. But does it justify a tax of $1,400—eventually $4,400—on hard-working American families? Rather than spend this money on new Government programs, the right thing to do is to return it to the American people to offset increased costs they will bear, prevent increased poverty, and preserve economic opportunity for all.

I yield the floor.

Mr. LIEBERMAN. Mr. President, I believe Senator INHOFE may have some time left—4 minutes—on his 30 minutes, then I would have 5 minutes to rebut, and then we would go to Senator WHITEHOUSE.

Mr. INHOFE. I don't think that is entirely accurate because I think the Senator who just spoke, Mr. GRASSLEY, was on the list and was designated as the speaker with some time.

The PRESIDING OFFICER. The Chair understands that the Senator from Oklahoma yielded time to the Senator from Iowa from the 30 minutes of the Senator from Oklahoma.

Mr. INHOFE. The UC that was passed allowed Senator GRASSLEY to speak. He was out of order only by one. Senator WHITEHOUSE was supposed to be first, and then he was supposed to speak. What is it you want? Maybe I can accommodate that.

Mr. LIEBERMAN. I was going to suggest that you controlled 30 minutes. You had 4 minutes remaining. If you wanted to use that, then I would take the 5 minutes under the order we have for rebuttal, and then we would go to Senator WHITEHOUSE.

Mr. INHOFE. That is fine.

Mr. LIEBERMAN. Good.

Mr. INHOFE. According to the Chair, I have 4 minutes remaining.

The PRESIDING OFFICER. There is 3 minutes remaining.

Mr. INHOFE. First, let me repeat what I started out talking about in the opening discussion on this bill. We said we are going to go ahead and we will not talk about the science because the science is not in this bill. What we are going to talk about is the economics of this bill. That is what we have done. I have also said that if anyone wants to talk about science—I used the example of Vice President Gore's own scientist who said what a small, immeasurable impact it would be if we were to sign on to the Kyoto treaty which is cap and trade, very similar to what we are talking about today.

Then, in 2005, we went through the same thing with the McCain-Lieberman bill. That bill, I have to say to my good friend from Connecticut, was not nearly as bad as the Kyoto Treaty and far better than this bill today because the price tag on that was less than the Kyoto Treaty. The Kyoto Treaty would have been in the range of between $300 and $330 billion. That amount of money was a huge, very high amount. But the bill that came along in 2005 was the bill by MCCAIN and LIEBERMAN which is far less than that. Now, this is the one that is the big one. The range here in terms of the cost is about 20 percent, 25 percent higher than Kyoto would have been at that time.

We started talking about gas prices and the fact that the nuclear component is going to have to be necessary. But what we did not really get around to—and I think we need to do it over and over again in the next few days, until such time as we get onto the amendments—is the fact that the amount of money this is going to cost over a period of time, according to Senator BOXER in one of her early press releases, is $6.7 trillion. This would be in the form of higher gasoline or electric bills. A lot of people will make the statement that this really is not an accurate figure. Well, this is not my figure, this is her figure.

They have also said the bill provides that some of this money can be—or the amended bill, which we have not seen all that long a time, provides that some of this money can go back to poorer families. That amount in the maximum, as I calculate it, is $2.5 trillion, which leaves $4.2 trillion.

Now, you might wonder, what is all this going to go to? I found it very interesting, when the junior Senator from California was complimenting the senior Senator from New Hampshire, when Senator GREGG said: Well, we are in somewhat agreement, she said: The difference is, he wants to return that money to the people, that $4.2 trillion, instead of supporting this bureaucracy.

Well, as to the bureaucracy, we think it is going to be about 45 new bureaucracies, and it is going to take, over the 50-year life of this bill, I would suspect, right around $4.2 trillion to run that bureaucracy. I would conclude, though, by saying this country does not need 45 more bureaucracies.

The PRESIDING OFFICER. The Senator's time is expired.

The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, let me respond to some of the things that have been said in the last half hour. But let me come back to why we are here and why the Environment Committee reported this bill.

This bill has a purpose, and the purpose is to reduce the carbon pollution that causes global warming. Why are we doing it? We are doing it because we want to turn this country and this planet over to our children and grandchildren and those who follow them in a better, safer condition than it will be if we just let global warming go unchecked.

There have been a lot of things that have been blamed on this bill today: Gas prices, which got pretty high without this bill being adopted because it has not been adopted. The response has been given to that. Tax increases. These are not tax increases. We rejected a carbon tax. This is the result of a market where businesses exercise choice. They can either reduce their carbon emissions below the cap, in which case they have some credits to sell or, if they cannot do it, they will go back out in the market, of their own choice, and buy some at auction, and that creates the revenue which we then refunnel.

In the last block of time, what seemed to be suggested was that the passage of this bill would gravely hurt the American economy. In the first place, my friend from Wyoming, Senator BARRASSO, cited a study by the National Association of Manufacturers and the American Council for Capital Formation. I believe the underpinnings of this study have been undercut by independent authorities.

At a May 20 hearing before the Senate Energy and Natural Resources Committee, the Deputy Administrator of the Energy Information Agency—part of the Department of Energy, part

of the Bush administration—Mr. Howard Gruenspecht said that this NAM, National Association of Manufacturers, modeling mistakenly attributes costs due to rising world oil prices as impacts of the Climate Security Act, which will reduce world oil prices because it will reduce demand for oil, rather than considering those costs as part of the economic baseline for the study. The fact is—and here again I cite two studies done by agencies of this administration, the EPA and the EIA—both predict continued strong growth for the U.S. economy under this Climate Security Act. The modeling of the Environmental Protection Agency found that under this bill, gross domestic product would grow by 80 percent between 2010 and 2030.

Here is the slight impact of the Climate Security Act.

Incidentally, these studies all do not account for the costs of doing nothing, which we believe would be many billions of dollars. Look at it this way: If we do not pass this act—and this does not count for the cost of hurricanes and other extreme effects of global warming—the total output of the American economy is projected to reach $26 trillion—that is a great number—in June of 2030. With the passage of the bill, the economy will reach $26 trillion in April of 2030. So is it worth that few months' delay to get to the $26 trillion to avoid the cost of doing nothing and the harm global warming will do to our country and our planet, affecting our children and our grandchildren? My answer is yes.

Let me suggest this too. There is a cost of the status quo for industry. My friend from Wyoming, Senator BARRASSO, comes from a great coal-producing State. Coal is America's most abundant natural energy resource. America has the largest coal reserves in the world. This bill aims to continue to allow American industry, power companies, to use coal—in fact, to use it more.

But let me suggest this: Under the status quo, without this bill, coal and those manufacturers who rely on it are in trouble. Fifty-four percent of the new coal-fired electric power capacity ordered in this country since 2000 has been canceled. Why? Because companies cannot get affordable financing to build the plants. And why not? Because investors have 100 percent certainty that a climate law is going to be enacted in this country within the next few years, certainly within the lifetime of a coal plant.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LIEBERMAN. The bottom line is, coal and the manufacturers who depend on it need this bill to raise the money they need to build additional coal plants to provide energy for American industry. That would be great for our economy.

Madam President, I yield the floor to my friend from Rhode Island, who I might say played a very important and constructive and creative role in the work the Environment Committee did in bringing S. 2191 to the floor.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. WHITEHOUSE. Madam President, I thank the distinguished Senator from Connecticut for his kind words and, more importantly, for his leadership.

Madam President, for the first time the Senate is embarked on a full debate on one of the most pressing issues facing America and the world today; that is, reducing the carbon pollution that causes global warming.

This legislation, admirably and painstakingly pieced together by Senators WARNER and LIEBERMAN and by our chairman, Senator BOXER, takes a historic step to confront the crisis before us.

As we speak, unchecked greenhouse gas emissions are causing the most significant and rapid climate and ecosystem shifts living memory has ever witnessed, affecting our oceans, our rivers, our lakes, our plants, our crops, and our wildlife. They affect our economy. They affect our very national security.

The evidence of global warming can be found in every State in the country. My home State of Rhode Island, the Ocean State, is perhaps the smallest, but it is no exception. Over the past 20 years, the annual mean winter temperature in our beautiful Narragansett Bay has increased by about 4 degrees Fahrenheit. Now, the difference between, say, 63 and 67 degrees may not feel like much to someone plunging into the clear waters of Narragansett Bay, but for the populations of fish and shellfish that make Narragansett Bay their home, that feed Rhode Island families, and fuel Rhode Island's proud fishing tradition, it is an ecosystem shift. It displaces cold water species, and it threatens the fragile and rich diversity of marine life in our precious Narragansett Bay.

So far, the consequences of global warming have been relatively mild. But there are worse things to come—in the world and in the waters around us. We are forewarned by overwhelming and undeniable scientific evidence.

Let me speak briefly about the science underpinning the evidence of global warming. We are fortunate to have an enormous body of scientific data measuring the warming of the Earth, the rising of the seas, the shift in weather patterns, and the effects on all the Earth's creatures. This data comes from all corners of the world and from the full spectrum of scientific thinking, most recently, indeed, from a report by the Bush administration's own Department of Agriculture. The scientists essentially all draw the same ultimate conclusion: Global warming is happening, it is manmade, and it is getting worse.

Let me talk for a minute about some of the very foundations of the science we will be discussing.

As shown on this chart, this is a very simple scientific device: the bell curve, the standard normal distribution. It basically is the standard analytical device for almost all the observations in which science works. In this dimension, one measures the danger of what could happen. In this dimension, one measures the likelihood that will happen.

What you find in the bell curve is that there is a strong agreement, a strong, solid foundation of observed agreement around a level of danger that has a very high likelihood of taking place. It is this area, as shown on this chart—this key area—where the likelihood is the greatest that we face the dangers that have been described on this floor so eloquently by Chairman BOXER and Senator KERRY and others of the global warming that the Earth is undergoing.

Now, you will, during the course of this debate, hear about other points of view. I am confident of that. Most of them lurk down here, as shown on this chart, in the area where the likelihood is the least, but the danger is the least. That is the key. But this is really fringe science. The body of science on global warming, like the body of science on almost any other topic, follows a curve in which the vast majority of the observations, the vast majority of the scientific conclusions follow an allocation, a curve like this.

What the people who are fond of pointing out these low-danger but low-likelihood opinions usually forget to tell you is that there is this side of the curve. This side of the curve may also be unlikely, but it is very significant to us as a species because here the danger is even greater than what the vast bulk of the science we are relying on here in this discussion today would indicate. These are very significantly dangerous scenarios for our species.

What we have found as time has gone on and as the scientific observations have kept coming in is that we think it is here, as shown on this chart, but when the observations come in, they tend to be here, as shown over here on this chart. We are always running ahead of the science when the observations come in. Science is not telling us: Take it easy, don't worry. Science is telling us that the more information we get, the more dangerous it appears to be.

It is a simple, traditional, normal distribution curve. The discussion that supports the changes we are making here is taking place where the weight of the science is. If people try to take you off that and show you this end of it, beware because there is just as great a likelihood that this other end of the danger spectrum will occur.

Another aspect of the science here is the so-called trend line. Now, this is just an example. It is not any statistics at all; it is just dots we put together to show a variety of data over time and how a trend line flows through it. It is calculated through a very established scientific process.

There is a book that was written several years ago called ''How to Lie with Statistics.'' A trend line provides a lot of opportunity to mislead people with statistics. In this debate, unfortunately, that happens a fair amount.

I will give an example of that in a second. But basically, each of these, as data points come in over time—and in this case the temperature of various places on the Earth is measured—scientists are able to draw a trendline that essentially any reputable scientist, almost any reputable mathematician, can draw through those points, and then you base your conclusions on the trendline. That is standard, grade A, basic 101 science.

Now, let's look at how that works in terms of global warming. Here are temperature changes plotted over years 1978 through 2003. Here is a trendline that has been plotted through all of these orange data points. It clearly indicates the warming of the Earth. This is the type of information on which reasonable and prudent people across this country—in businesses, in homes—base their decisions all the time. It is the type of decisionmaking our military relies on, our intelligence communities rely on, our scientists rely on, our corporate leaders rely on. It is not anything special or magic. The trendline is very clear about what is happening.

Now, in the green box I have highlighted a section of the data because what I have seen is a number of reports that have focused on only this little piece of information. If you pull this little piece of information out—this was an El Niño year, so temperatures were unusually high. If you pull this little bit of data out, you can draw a very different trendline through this. It would probably look something like that. There have been people who have said: Well, that shows that in 1998 global warming stopped—because they took this tiny little segment of the overall data and tried to focus only on that.

So it is very important in this debate, when you see some of the information that has been brought out, to understand that books such as ''How To Lie With Statistics,'' their principles are still alive and well, and unfortunately, data such as this has even seeped into discussion in the Senate.

For many years, global warming denial thrived on an industry of sham science bought and paid for by special interests. Those days are diminishing. Even the most vocal global warming deniers have increasingly fallen silent because the science is speaking to us now with an unequivocal voice. We can reduce the carbon pollution that is causing global warming, and time is of the essence. The bill before us takes a badly needed step toward the new green economy that beckons America with the promise of new technologies, new products and, most importantly, new jobs that will drive our American economy for decades to come.

This country has never before shied away from the next great challenge or the next big idea. Classic American know-how has always led the world into new frontiers of scientific and technological discovery. The cold hand of the past always has reached out to impede progress, and we see it clawing on this floor today. But America is called by the future, not by the past.

We have heard discussion today on whether there are costs if we act to address the carbon pollution that is causing global warming. What are the costs if we do not act? If we do not act, we will continue to send our hard-earned dollars overseas to buy oil from nations that do not care for us. The economic implications of our crippling dependence on foreign oil are evident to every American every time they pull up to the gas pump. The challenge to our national security grows increasingly clear with every day our troops spend mired in the war in Iraq. If President Bush had tackled this problem 7 years ago after he was elected, we would not have the gas prices we see today. We would not have the weakened oil economy we live in today. We are paying at the pump because President Bush was AWOL when the future called.

If we do not act, we will not only keep paying at the pump for our continued addiction to foreign oil, but we will fall behind the rest of the world in developing and exploiting the green jobs and technologies of the future. If we do not act, we will witness increasing destruction of our natural landscape, disappearing coastlines back East, fire-swept prairies out West, a tornado-ravaged heartland, our hurricane-battered gulf coast. Hunters will see game species change their patterns and migrate away. Trout fish will find rivers too warm. If we do not act, we will allow the extinction of cherished creatures who share God's Earth with us, from the struggling polar bears of Greenland to Rhode Island's own little piping plover.

If we do not act, we will become the first and only generation of Americans—the first and only generation of Americans—to leave the world to our children in worse condition than the one that was handed to us. We should not make ourselves that first and only generation. We should not break the faith with our children and grandchildren.

I look forward as much as anybody in this room to a spirited debate that will give all Members of this body the opportunity to share their ideas and concerns. But when the debate is done, we must not shirk our duty. This has to be a legitimate debate. This can't be just about scoring political points. There is a true problem before us. We have it within our care, within our control, within our power to do something to get this right. I look forward very much to this debate. I hope my colleagues are all joining in it in good faith. I hope we will rely on real science and real arguments and not on talking points from industries that haven't gotten it yet.

But when you see indications such as this, that people are willing to take one little segment of the data out of context as much as that, I think people who are watching this can see if that is what people are doing, there is cause for concern about how serious they are about solving this problem.

Madam President, I thank you very much and I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Madam President, first, before the Senator from Rhode Island leaves, let me remind him he started the discussion by saying this is the first time we have been debating this. We have been debating this for years. I know the Senator from Rhode Island wasn't yet elected when we had the McCain-Lieberman bill on the floor and I remember that so well because I was down here for 6 solid days doing nothing but debating this.

One thing I wish to ask you to do is—we made the request when we first started—this is not a discussion on science. We are now talking about a bill. We want to talk about the bill. I am convinced that people coming down and talking about science are doing that because they don't want to talk about the bill, they don't want to talk about the tax ramifications of this bill.

Now, for the purpose of this discussion from now on, let's assume the science is there, that we don't have to worry about science. Let's talk about the bill.

I yield the rebuttal time to the fine Senator from Tennessee, Senator CORKER.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. CORKER. Madam President, I thank the Senator from Oklahoma. I say to my friend from Rhode Island—would the Presiding Officer let me know when I have a minute left?

The PRESIDING OFFICER. The Senator will be so notified.

Mr. CORKER. The Senator from Rhode Island has talked about science, as the Senator from Oklahoma has mentioned, and I say I agree with him, that the large body of science says that man is contributing to global warming. As a matter of fact, I will even give to the Senator from Rhode Island the fact that cap and trade may be a legitimate way for us to deal with this. I think everybody in this body knows I am very open to looking at a legitimate cap-and-trade bill.

What I would ask the Senator from Rhode Island is—and I know he knows this subject well; he and I were in Greenland together and I know his beautiful wife Sandra actually swims daily in the bay that he is talking about, so she knows well about those temperatures. I know they discuss this at great length.

But if, in fact, we have this issue to deal with, why isn't the issue itself, by itself, good enough for us to focus on it? Why is it that we create a bill that—instead of focusing on cap and

trade and lowering emissions in our country, why is it instead that we create a bill that brings trillions of dollars into the United States Treasury and then pre-spends that money from the year 2012 to 2050? Why would we do that? Isn't the issue by itself strong enough? This is the mother and father of all earmarks. I have no understanding why anybody in this body would support legislation that prescribes trillions of dollars of spending.

Secondly, why would the Senator from Rhode Island support a bill where 27 percent of the allocations that are worth trillions of dollars—why would he support a bill that actually transfers those allocations which, in essence, is a tremendous transference of wealth to entities that have nothing whatsoever to do with lowering carbon emissions? Why would he support a bill such as that? Again, I have seen a lot of people walking around here with nicely tailored suits and briefcases, and I know that they realize if they sit at the table, they are going to benefit themselves by being tremendously enriched in the process. But why would the Senator not support a cap-and-trade bill that returned the auction proceeds to the people of America who are going to be paying higher costs legitimately as a result of this bill?

The last piece—and this is one that is very difficult for me to understand. Why would the Senator from Rhode Island—my friend, whom I love serving with—support a bill that pays and sends U.S. companies—instead of spending money here in our country on technology that lowers emissions here, encourages them to spend billions and billions of dollars in China that benefit that economy when we have tremendous trade deficits today?

So what I would say is again—I will say it over and over—I respect the authors of this bill. I agree with the science. I think we are squandering a tremendous opportunity in this body, because we are using old-time politics to win support for legislation that ought to be good enough on its own, and in the process the American people are paying the tab. I think it is reprehensible that we are going about it in this fashion. I think today with gasoline prices at $4 a gallon, we have an opportunity—I think this is a perfect time to talk about this bill to marry responsible climate security with responsible energy security.

The PRESIDING OFFICER. The Senator has 1 minute.

Mr. CORKER. The American people elected us—the Senator from Rhode Island, the Presiding Officer, all of us at the same time—to focus on the big issues of this country. We have a tremendous opportunity in this body to have a balanced climate security bill that doesn't take money out of the pockets of Americans forever and spend it through bureaucracy, but to tie that with energy security and do it in a way that everyone wants, in a way that creates growth and economic development in this country. I think it is a shame—a shame—that we are squandering that opportunity by having legislation on this floor that instead takes money from the American people, never returns it, builds a bureaucracy that doesn't exist, and damages our country for the next 40 years.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Madam President, I wish to take a few minutes to respond to the questions that were asked of me. I think I have some time remaining of the 15 minutes I was allocated.

Mr. INHOFE. Madam President, reserving the right to object.

The PRESIDING OFFICER. The Senator has 1 minute remaining on his 15 minutes.

Mr. INHOFE. Madam President, that was a 5-minute rebuttal. The question I will ask the Chair, has the 5-minute rebuttal time expired?

The PRESIDING OFFICER. That is correct.

Mr. INHOFE. So it would take a unanimous consent request for him to have more time; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. WHITEHOUSE. I ask unanimous consent that I may respond to the questions that were asked of me by name.

Mr. INHOFE. OK. For 1 minute. After this I think we will try to stay on schedule.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. WHITEHOUSE. Madam President, since time is very short, to my good friend Senator CORKER from Tennessee I say this: First, the basic principle of this legislation is that polluters should pay, and I would hope that every person in this room would agree with that. Polluting industries should not get away with causing global warming by releasing carbon pollution for free and having all the rest of us pay the costs of that. If you agree with the proposition that polluting industries should pay, then you have to, as you suggested, figure out the best way to get the funds back to the American people.

We try to do it in this bill in ways that step us into the green economy we need for the future and in ways that step us up toward energy independence. The Senator may disagree. That is what the bill is about. If the minority would allow us to go to amendments, we could discuss that. That is not the way it is right now. We have to step forward. Senators BIDEN and LUGAR are going to come forward with foreign policy recommendations to make sure the rest of the countries move with us. I agree with the Senator from Tennessee that we have to make sure the rest of the world moves with us. But we cannot wait for the rest of the world to move.

The PRESIDING OFFICER (Mr. SALAZAR). Who yields time?

Mr. INHOFE. Mr. President, I yield 20 minutes to the Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming is recognized for 20 minutes.

Mr. ENZI. Mr. President, I have an important message for everyone listening to me right now: This bill will cost you money. It will make your gasoline more expensive. It will increase your electric bill—dramatically. It will take hard-earned money out of your pocket. Companies don't pay the costs of higher energy. They pass it on to you, the customer. You need to think about what you want to pay for your gas and electricity when this bill has its full effect on you.

How willing are you to pay the personal cost of global warming legislation—even if it might not make a difference? What you and I need is a bill that spurs innovation and recognizes what is possible with technology. What you and I need is a bill that cleans the environment without destroying our economy. I am in favor of using alternative sources of energy and reducing emissions and giving incentives to invent cleaner air. I am in favor of increasing our supplies of energy. I am in favor of actions that will bring down your cost of energy.

We are now debating an issue that Congress has been discussing for a long time. I have been involved in this global warming debate for a long time. I was a member of the original Senate delegation that attended the Kyoto conference, at which the Kyoto protocol was created. I saw right away that that conference was not an environmental conference, it was an economic conference with the United States as a target.

Well, before that, I was also the mayor of Gillette, WY, the center of the largest coal-producing area in the Nation. Like many of my colleagues, I have spent a lot of time studying this issue.

Some say this bill is essential. I am not convinced that such is the case because I am not convinced it takes the right approach to reducing emissions. We may need to address this issue but not through the legislation we have before us today.

I am concerned that this is a piece of legislation that will make energy much more expensive for Americans, at a time when the No. 1 issue I am hearing about is the need to decrease energy prices, especially gasoline. I am concerned that we are debating a bill that will send American jobs overseas. I am concerned we are debating a bill that will irrevocably harm our ability to use our Nation's most abundant energy source—coal.

I am not a fearmonger. I am an environmentalist. I am in favor of using alternative sources of energy. As my constituents will tell you, we have a great potential for wind and solar energy in Wyoming. I am for conservation. We need to find ways to consume less energy. I am for inventions that reduce

gasoline and diesel consumption, and I am for inventions that reduce or eliminate all suspect chemicals and gases. But I am not a fearmonger.

We have held congressional hearings, but hearings around here aren't designed to get at the truth; hearings are to make a preconceived point. The chairman selects all of the panel members but one. The ranking Republican gets to pick that one. Then both sides show up to make specific points and to discredit the other approach. We have a bill before us that is one approach to this issue. Now we need to determine if it is a sensible solution, and we must determine what you, the public, are willing to pay. What are we willing to make you, our constituents, pay to implement the plan we have before us today to maybe address global warming? I suspect my folks in Wyoming are not willing to pay the enormous costs associated with this bill.

This bill is a one-size-fits-all approach. It is expensive. It creates a huge new bureaucracy. It assumes that technology is further along than it truly is, and it ignores the fact that nations such as China and India do not and will not have similar programs. We need a bill that spurs innovation and recognizes what is possible with technology. What we need is a bill that recognizes that if we want a clean environment, we cannot destroy our economy.

I figured out when I was mayor of Gillette and we were going to have a coal boom that we could wait to be run over or we could work to realize the benefits from development. We worked with the mines. We got the necessary facilities and amenities their employees would like. We made sure they did a reclamation job that makes us proud. You see, Wyoming coal is a clean coal. We ship it to all 50 States. Other States mix their coal with ours to meet the clean coal standards.

In the early days of my hometown's coal boom, the critics of coal said, ''Don't let them tear that area up. It is not reclaimable.'' Today, visitors in Gillette say, ''Don't let them tear that lush land up.'' And I have to say, ''That is where the mine used to be, and that area is where the mine is headed.'' Most of those visitors then say, ''Let the mines move ahead if they can improve it like that.'' Of course, the next generation is going to say, ''You moved all that dirt and you didn't make a bigger difference than that?'' The mining companies have to put the contours back exactly as they found it. That comes from one-size-fits-all legislation. People in the East got upset about mountaintop removal, and they should be upset when that occurs. But we mine coal differently in Wyoming. Our coal is in 60- to 90-foot seams under a few feet of dirt.

When we talk about coal mining, the first question should be: What would be hurt by mining? Second, we should ask: Can we improve what was there before? Are there any local needs that could be met? Wildlife is part of Wyoming's heritage. It is part of our recreation and even our food. What can we do to improve the habitat for wildlife? These questions are all asked before we allow mining to move forward in Wyoming in the first place. Unfortunately, sometimes policy in Washington dictates that we cannot do everything we want to do.

A few years ago, a prime emphasis from Washington was wetlands. Wyoming was photo-surveyed during our wettest spring in years, and we have been maintaining at that level. As the mayor of Gillette, I wanted to do better. I worked to get more wetlands on reclaimed mine property. But I was turned down because they weren't wetlands before. I finally got permission for a demonstration on one mine. It worked beautifully. It looked lush and it attracted animals and birds that were supposed to be attracted. It was a marvelous success. Do you think we have been able, in the next 20 years, to do one other project like that? No, we have not. Why not? Because restrictive policies in Washington by Congress have held us back. Don't try to make things better; try to keep them the same. That is not a good policy.

The Lieberman-Warner bill is an example of a similar policy. Instead of recognizing that, if given the proper tools, American innovation can solve any climate crisis, instead of trusting that industries will make advances and will improve technology, providing they can pass the cost on, the bill assumes that technologies are far ahead of where they truly are. And it does so at a tremendous cost to consumers. You may be paying for huge costs that may not make any difference.

There are so many studies on this subject that you cannot count them all. The bottom line is you can count on the fact that this bill will be expensive. You can explain it any way you want, but it will increase the energy cost of all you hard-working Americans. I have heard a lot of my colleagues talk about the struggling middle class. Well, if you implement a policy that will significantly increase energy prices, the middle class will struggle even more.

There is also a lot of talk about the need for the United States to be the leader on climate policy. People argue that if the United States acts, the world will follow. Europe is working to meet the greenhouse gas reduction standard they set up, but they are doing it by shipping their manufacturing to India and China because those countries don't have to meet any sort of standards. I don't want the United States to do the same thing. I want the jobs here. Presidential candidates are complaining about jobs going overseas. Whose jobs will be shipped out because of this bill? I cannot support a bill such as this, which does little to include the developing world in this effort. We have already reduced our logging, and those jobs shipped overseas have almost eliminated the Siberian tiger. We have placed an emphasis on ethanol and have Brazilians chopping down the rain forests to plant corn.

We are going to spend some time talking about this bill. The American people need to know that this bill costs money. It will make gasoline more expensive. It will increase their electric bills. It will take hard-earned money out of their pockets. It is the right time to have this debate so we can discuss the approach this bill is taking and determine if we are willing to saddle the people of our States with the enormous costs caused by it.

On June 1, George Will did an editorial in the Washington Post and exposed the cap-and-trade policy of this bill for what it is—a carbon tax, but clever and hidden. While I was at the global warming conference in The Hague, the United States was negotiating to get some recognition for the increase in trees in the United States since they absorb CO_2 and put out oxygen. The United States has had a significant increase in trees over its history, and studies have shown that the trees absorb more CO_2 than the people of the United States put out. The other countries wouldn't allow that since the conference every year is an economic conference, not an environmental conference.

Here is how the cap and trade will work. Actually, here is how cap and trade will shift wealth. Landowners who have trees on their land can put their trees' CO_2 absorption on the market. They can do that right now. The same trees that have been absorbing and transforming—that the world will not credit—will now be paid to do what they have always done. And you will pay for it at the gas pump and when you flip the electric switch, or when your furnace or water heater come on. That is right, the companies will buy the cap-and-trade credits for the trees and other absorbers, but you will pay it because it will be passed on.

I want everybody listening to visualize opening their utility bill the month after this bill goes into effect. Can you see your shocked look as the already high bill is now 50 percent higher? But that is nothing. Visualize how high your bill will go when you get into the spirit of selling credits. Speculation has driven up oil costs. Cap and trade will result in speculation as well. You will wonder what happened to your utilities, and they will tell you that Washington foisted this expense on you. The utilities will explain how Congress forced them to buy CO_2 credits to stop global warming. If there were a carbon tax—and I am not suggesting any new tax—if it were a carbon tax, it would at least be in proportion to what you yourself used and could be transparent. If this bill becomes law, you should visualize what will happen when you fill up your automobile. If you have a job in manufacturing, imagine what will happen to

your job when India and China, that have no constraints, get your job because their energy, with no environmental controls, is cheaper. Without a way to increase energy supplies that we rely on every day, so that prices will come down, this bill is out of step with the times and will cost you dollars—and perhaps your job.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, if the Senator has completed, it is my understanding I will have a 5-minute rebuttal time; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mrs. BOXER. I am going to make a few comments and then turn to Senator LIEBERMAN. Can you tell me when I have used 2½ minutes, please.

Let me say, new speaker, same talking points. Unbelievable. Not one of my friends on the other side, not one, in my opinion, has offered anything to combat global warming, to get us off foreign oil—not one. It is unbelievable.

I checked the record. Let's hold up these charts on oil. Here we go again. It has been 7 years since George Bush took office, and gas prices have gone up 250 percent. I did not hear my colleagues on the other side of the aisle saying: Oh, my people are hurting, let's go to the oil companies; we know the executives are earning many millions. Nothing.

Let's look at what happened in the past 9 months, since January 7: an 82-cent increase. My colleagues, silent. Now they are worried, just when we can get off foreign oil, just when we have a plan to do it, we can say goodbye to big oil, out of the stranglehold, oh, they are suddenly concerned because gas prices could go up 2 cents a year, which, by the way, is the outside limit and we know, because of fuel economy we passed, is not going to impact our people.

Let's look to June 2007. The Senate rejected an effort by Senator BAUCUS to provide tax credits to renewable energy by closing loopholes for the oil industry that is taking all the money from my people and your people and the hard workers of America: 47 Democrats said yes; 34 Republicans said no.

In November 2005, an amendment by Senator CANTWELL to establish a national goal of reducing our dependence on foreign oil so the President does not have to go hold hands with a Saudi prince, let's see what happened then: 45 Democrats voted yes, but 52 Republicans said, no, they don't want to be energy independent. That is what this is about. All these crocodile tears, and you will hear it time and time again.

Where were they when we tried to do something about oil prices? How about in November 2005, an amendment by Senator CANTWELL to create a new Federal ban on price gouging: 45 Democrats yes; 42 Republicans no.

Don't listen to this. This is a phony attack just when we are ready to get off foreign oil.

The PRESIDING OFFICER. The Senator has used 2½ minutes.

Mrs. BOXER. I yield to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank my colleague from California. In the midst of all the attacks being made against the Climate Security Act, something may be missed by those who are listening or watching. We have a problem. It is called global warming. This bill, according to the Environmental Protection Agency of the Bush administration, solves that problem, protects us from the worst consequences of global warming.

I presume, because my friends on the other side are opposed to the bill, they don't deal with either the reality of global warming or the fact that our bill solves it. They are blaming just about everything but the common cold on our bill.

One of the biggest deceptions is this business that this bill will increase gasoline prices. I presume that argument is being made because all of us and the American people are angry about the increase in gasoline prices. The truth is the Climate Security Act will not increase gasoline prices, it will decrease gasoline prices because it will decrease our reliance on oil. In reducing carbon emissions, we have to stop using oil and use other ways to power our vehicles and that reduces the demand for oil.

Look at this chart. This is a study done by the International Resources Group, an economic consulting firm. This is the line for what oil imports will be in 2015 if we do not pass this bill: about 15 million barrels a day. Here is the line for 2191 if the Climate Security Act passes: down 58 percent, 6.4 million barrels a day, the lowest amount of imported oil in this country since 1986. That is 8.4 million barrels per day less imported into the United States.

We know there is speculation in the oil market, but the laws of supply and demand still have some effect. If we can reduce demand for oil that much, we are going to reduce the cost of gasoline. That is what this bill is all about. It is going to take that money and invest it in the kind of new technologies America has been waiting for, and they exist.

So let's go from the attack to something positive. Let's protect our children and grandchildren from global warming caused by carbon pollution.

I thank the Chair.

The PRESIDING OFFICER. Under the order, the Senator from Pennsylvania is to be next for a period up to 15 minutes.

Mr. ENZI. Mr. President, I believe I have 6 minutes remaining on my 20 minutes.

The PRESIDING OFFICER. Did the Senator wish to retain his time?

Mr. ENZI. I certainly wish to retain a portion of it.

The PRESIDING OFFICER. The Senator has 7 minutes remaining, and that time apparently was not yielded back.

Mrs. BOXER. I have a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I understand Senator WHITEHOUSE tried to reclaim his time, and he was not allowed to do it. Was he at the end of the day? It took a new consent agreement. Do we wish to now have a new consent agreement that people can do half their time and reclaim their time later? Is that something, I say to Senator ALEXANDER, he wants to do? I don't mind it at all. I would like to have it in the agreement.

Mr. ALEXANDER. Mr. President, as I understand it, that is what the practice has been recently in the debate.

Mrs. BOXER. Why don't we formalize it?

Mr. ALEXANDER. That would mean a Senator who had 20 minutes could reserve an amount of time used for rebuttal.

Mrs. BOXER. As long as they use it immediately after the rebuttal, and does that mean you get another rebuttal? That is why this is a problem. The whole notion was for rebuttal after the individual finished speaking. If somebody withholds, it is very complicated.

The PRESIDING OFFICER. Does the Senator wish to make a unanimous consent request?

Mrs. BOXER. I would like to keep it the way it is but make an exception now for Senator ENZI because I feel like he didn't know that rule. I would like to keep it the way it is and not be able to yield back time. You have your time, we have the rebuttal, we move on. I object to changing it, except in this circumstance, allowing Senator ENZI to have that 3 minutes.

Mr. CORKER. Reserving the right to object, I think we already have a unanimous consent agreement that says exactly what is happening right now. My thought was we would have a debate on the floor.

Mrs. BOXER. Excuse me, if Senator CORKER objects——

The PRESIDING OFFICER. The Senator from California will withhold.

Mr. ENZI. I was here for the previous discussion, and it was my understanding that the train had to continue on time, but it was set up that it would flow, that we could withhold shortly and then have a slight rebuttal after the rebuttal.

The PRESIDING OFFICER. The Senator from California has a unanimous consent request pending and that unanimous consent request is that Senator ENZI be able to retain his 7 minutes and thereafter Senators with allotted time under the current order must use that time in one block.

Mrs. BOXER. I am going to amend that.

The PRESIDING OFFICER. That is the unanimous consent request of the Senator from California. Is there objection?

Mr. CORKER. I object.

Mrs. BOXER. Then he cannot speak.

The PRESIDING OFFICER. The Senator from Tennessee objects.

Mr. CORKER. That is the order that is on the floor. You can't change the rules.

Mrs. BOXER. That is not the order.

Mr. CORKER. That is the order. The fact is the order is if people have remaining time, they can speak after rebuttal. That is exactly right.

Mr. ALEXANDER. Parliamentary inquiry, Mr. President: Could the Chair state the existing unanimous consent agreement?

The PRESIDING OFFICER. The Senator from California and the Senator from Tennessee will hold on for a minute. The understanding of the Chair at this point is that Senators use their allotted time and then there is up to 5 minutes for rebuttal. If the Senator does not use the entire allotted time during the one block, then time is yielded back and nothing is reclaimed. That is the understanding of the Chair with respect to the unanimous consent order in place. That unanimous consent agreement was enforced with respect to Senator WHITEHOUSE, who asked consent to be granted an additional minute, which time he had not previously used.

The Senator from Tennessee.

Mr. CORKER. Mr. President, that was not the understanding Senator INHOFE had left me with. However, I respect the Chair. If that is the ruling, then I do not object. I thank the Senator from California for her courtesy in giving Senator ENZI his remaining time.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I wish to amend my UC to say that there be 2 minutes of rebuttal, after Senator ENZI completes his 7 minutes, to be controlled by myself.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Let us make it clear that the value of this debate, not just to ourselves but to the American public, is to have some exchange between us and to have a little followup and some questioning. I hope nothing that has been said thus far will restrict a Senator—for example, my dear friend who is about to speak, I would like to ask him a question and then that be charged against my time. Is that to be in any way obstructed by that procedure which we normally follow—I assume you will accept the question or maybe equally divide the time so we have some colloquy taking place.

The PRESIDING OFFICER. It would take consent to enter into that form of colloquy.

Mr. WARNER. I beg your pardon.

The PRESIDING OFFICER. It would take consent for the time to be charged against the time allocated to the Senator from Virginia.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mrs. BOXER. Mr. President, I am thrilled to report the white smoke is coming out, and we have reached agreement on how to proceed. We are going to keep the order—and I hope everyone will make sure I am saying this right—keep the order the way it is. The only exception is, if a Senator wants to question another Senator, that Senator will do it off of the time they already have.

The PRESIDING OFFICER. Is there objection?

Hearing no objection, it is so ordered.

Mrs. BOXER. That is wonderful. Now I believe we go to Senator CASEY for 15 minutes.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. Mr. President, we are making history today in the Senate because this is the first global warming bill that has reached the floor for a full debate and vote. Congress has, in the past, as we know, considered symbolic global warming legislation, but this is the first time that we are working on the details—how to create a national policy to slow, stop, and reverse the catastrophic global warming that we see across the world. At the same time, this legislation and this debate could not be more important to our economy and our national security.

This bill is very simple. There is a lot of complexity to it, obviously, but at its core it is very simple. It is about creating jobs, first of all; it is about protecting God's creation; and it is also about enhancing our national security and, indeed, the world's security. It is not a perfect bill, but it is a good bill on which to build a national program to reduce greenhouse gas emissions.

I do want to commend several Members of the Senate: Senators LIEBERMAN and WARNER, Senator BOXER, and so many others who have worked so many years on this legislation, and especially worked in the last year and the last 6 months to bring this to where we are today. These Senators, with help from other Members of the Senate, have crafted a bill that includes all of the major policy issues that we must address: the cost to American families, job creation, worker protection, focusing on developing nations that will soon be the largest emitters of carbon, and keeping America competitive internationally.

At its core, this bill also recognizes and celebrates the best of the American spirit. We are confronting challenges in this bill, no doubt about that, but we are confronting challenges with American innovation, American ingenuity, the can-do spirit of the American people, and the skill of the American people in leading the world in confronting a difficult challenge. So I think that is something we should recognize: that this is a good opportunity for the American people not only to confront the crisis of global warming, but also to create jobs, to build a stronger economy, to reduce our dependence on foreign oil, and to do something very significant on the question of what happens to our planet.

The authors of this bill have worked to include a number of things that are important to me, especially a program in this bill that is critical to the security of American workers—the Climate Change Workers Assistance Program. In short, what this program will do is make sure that workers who are adversely affected will have wages, they will have health care benefits, and they will have the intensive training they need to make the transition that will happen to some of our workers. This program will also provide a link between creating new manufacturing jobs in the future and helping transition to those new jobs of the future over time. This program is also a safety net intended to give American families peace of mind that they will not be left behind as we build a new economy with these new jobs.

That is the key point. Americans have called on us—have called on us—to take action and to prevent global warming, and they are willing to do a lot of the hard work to implement a national program to secure our collective future. Together, we can do this. We know we can do this. America has always been able to confront difficult challenges, whether that challenge was the Depression or a World War or any challenge presented to us. We have met those challenges just as we are meeting the challenge that is global warming. We can stop global warming at the same time that we create a robust new economy that will provide good jobs for our families.

There is a lot of talk about the cost of this bill, and there is no question that there are costs. But I also worry about the cost to our families. All of us worry about that. People are working so hard just to make ends meet. This bill contains programs to directly address these concerns, including a paid-for tax policy to return money to consumers to offset increased costs and special assistance for States such as Pennsylvania, my home State, that rely on manufacturing and coal as a major part of their economy.

But to this discussion of cost I wanted to add something opponents of this bill don't talk much about, and that is the cost of inaction, the cost of doing nothing, which many in this Chamber apparently believe we should do—do nothing and hope it gets better; talk about it and talk about it and do nothing and wait for another day. While

there is certainly a cost to implementing this legislation, there is also a cost if we sit back and do nothing. Not only will it be more expensive to address global warming the longer we wait, we can expect even greater costs in terms of major storms and weather events, increased wildfires, loss of food crops, and so many things that we are seeing playing out right before our eyes today in the world.

Just last week, a report commissioned by the U.S. Department of Agriculture acknowledged the impact global warming could have on crop disasters. We already know what happens when grain crops fail due to drought and flooding in different parts of the globe. It is happening right now. Lack of crops and increased costs of staples, such as wheat and rice, are causing food riots in some countries. By one estimate, one-fifth of the world's nations are in a food insecurity situation right now, as we speak.

So this is not just a humanitarian crisis for those people and their countries, this is also a national and international security threat—that threat being food insecurity—caused by a number of events and causes but especially the challenge that we have of global warming because that is contributing to that food insecurity. To sit back and do nothing about global warming when we see this path ahead of us and have heard the warnings from scientists all over the world would be not just the wrong policy—to do nothing on global warming—it would, in fact, in my judgment, be immoral.

So I support the Climate Security Act, and I will vote in favor of its passage.

Before I give up the floor, I have heard a lot of discussion in the last day or so from people criticizing this legislation, about a number of parts of the bill they do not like. But one of the things they keep pointing to is gas prices. Senator BOXER and others have used the chart that talks about the price increase of gasoline since President Bush has been in office, an exorbitant increase in the cost of gasoline. But I have to ask my friends on the other side of the aisle who keep talking about this bill increasing gas prices—and, frankly, it would not do that over time. We know from some of the data that has been presented that this bill will bring down the cost of gasoline. But let's say they are really concerned about this part of the legislation. Let's just say they are trying to make their point about gas prices.

If they are so concerned about gas prices today, why don't they support, as we have tried to push on this side of the aisle, strategies to bring down that cost or to, at a minimum, provide some measure of relief to our families?

How about a windfall profits tax? If people really are worried about gasoline prices, why don't critics of the bill support that? Why don't the critics of the bill, if they are so worried about families and gas prices, not only support a windfall profits tax but support measures that we have introduced already—and I hope we can have a vote on this—to focus on excessive speculation that is in the market right now?

So there is a lot we can do right now to bring down the cost of gasoline, or at least try, but it seems the other side of the aisle just wants to talk about bringing gas prices down but does not want to do it.

I think this Climate Security Act is one way not only to deal with our energy challenges but to do our best to protect God's creation, to enhance our national security, and to create lots and lots of jobs for our families and for our future.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. ALEXANDER. Mr. President, I yield to the Senator from Tennessee up to 5 minutes to rebut the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. CORKER. I thank the senior Senator from Tennessee. I will only take a moment.

I enjoy so much working with the Senator from Pennsylvania. We came in at the same time and I appreciate the points he made. I actually wish to more fully address the comments made by the bill manager, the Senator from California, and say that I don't see any crocodile tears coming from this desk. The fact is, we will be offering meaningful amendments that focus on this legislation, with no excuses. I know the senior Senator from Tennessee has been in the forefront of this issue for some time. I think all of us realize that while gasoline prices have increased no doubt over the last 7 years, no doubt this bill will cause gasoline prices to continue to increase.

I think there is a big discussion about what we do with the revenues generated by this bill. That is a legitimate argument. We all realize there is a tremendous transference of wealth that takes place in this bill. All we are trying to do is cause this bill to be more pure and at the same time to try to link it toward energy security. I am looking forward to the amendment process.

I thank the Senator from Virginia for adding so much to the tone of debate we are having here.

I yield back my time to the Senator from Tennessee for not only rebuttal but his comments about the bill itself.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, I understand under the regular order that leaves me with a couple of minutes plus 20 minutes, is that correct?

The PRESIDING OFFICER. The Senator has 3 minutes for rebuttal and then 20 minutes.

Mr. ALEXANDER. May I ask the Chair to let me know when 3 minutes remains in my time.

The PRESIDING OFFICER. The Senator will be so notified.

Mr. ALEXANDER. Mr. President, this is an important day in the Senate because we are debating an important issue. It is one the country cares about and should care about. It is one which a great number of Senators here on both sides of the aisle have discussed. I congratulate Senator WARNER and Senator LIEBERMAN for their leadership. The chairman of the Environment and Public Works Committee is here. She has worked diligently on this and made it a priority. We are doing what the Senate ought to do.

What the American people do not like is when they see us engaged in what I like to call playpen politics—when we start trying to see who can stick fingers in each other's eyes. What they do like to see is for us to have principled, vigorous debates about important issues that have to do with the future of our country, and how we deal with climate change is one of those issues.

That is how we are dealing with this. We voted by a large margin, Democrats and Republicans both, to proceed with this debate and say this is important enough to put on the floor. The majority leader apparently is giving us a significant amount of time to debate this—as we say in Tennessee, to air out the issues—and that is surely what we ought to do.

We began this morning in a bipartisan breakfast. Senator LIEBERMAN and I are the hosts, along with some others, of a bipartisan breakfast on Tuesday mornings. The Presiding Officer often attends those meetings as well. The purpose of that is for Democrats and Republicans to sit around a table in a room, with no staff and no media, and discuss issues about which we do not agree in hopes we can find a way to deal with them.

This is an important day in the Senate. We are doing exactly what we ought to be doing on an issue of importance to the American people. The Lieberman-Warner bill is the basis for this discussion. We are going to be hearing this week a lot of criticisms of the Lieberman-Warner bill and I am going to make some of them myself. But that is not to criticize the effort, because we have to start somewhere. These are two of our most distinguished Members. The bill has gone through the committee and it is now on the floor. We would be derelict if we didn't say let's deal with climate change in the correct way.

What I wish to do in the time I have remaining is to talk about three things: No. 1, what is wrong with this bill; No. 2, to suggest a better way to deal with the climate change issue; and No. 3, to suggest what I believe is the best way to deal with the entire range of issues that are presented to us which I believe are much larger than climate change.

Let me jump to the end of my remarks at the beginning by simply saying: I believe climate change is a real issue, that humans are a contributor to

climate change, and we must deal with it. But I also believe that an unusual demand for energy in the United States and the world is a real issue. In our region where the Tennessee Valley Authority produces about——

The PRESIDING OFFICER. The rebuttal time of the Senator has expired.

Mr. ALEXANDER. I thank the Chair.

In our region where the Tennessee Valley Authority produces about 3 percent of all electricity in the country, estimates are that we would need 700 new megawatts of power in the next year. That is a coal plant and a half. That means 30 or 40 new coal plants around the country just to meet that, if the rest of the country is like TVA. That is a real issue as well.

Our Nation's overreliance on oil from other countries is a huge issue for us. We don't like being in the pocket of people who are selling us oil, including some who are trying to kill us by bankrolling terrorism. We want to be more independent than that in the world. It affects almost every aspect of our national security. It is costing $500 billion a year. Overdependence on foreign oil is driving down the value of the dollar. That lack of independence in our supply is a major issue.

Clean air is an issue. Carbon is not the only pollutant in the air that I am concerned about, coming from Tennessee, nor would it be for a Senator from California either. We have a real concern about sulfur, nitrogen, and mercury. I have, since I have been in the Senate, supported legislation in a bipartisan way—first with Senator CARPER—to stiffen requirements on mercury, nitrogen, and sulfur as well as begin to cap powerplant emissions for carbon. That is a little different perspective as well, rather than just saying carbon is the only problem. There is a range of problems we need to deal with.

My preference, as I will say in my remarks, is that we should have a new Manhattan Project for clean energy independence. That is the real way to deal with high gas prices, high electric prices, climate change, clean air, and the national security implications of too much dependence on foreign oil. But let me go back to the beginning and start with some problems with this bill.

What is wrong with Lieberman-Warner? The first thing wrong is that the Warner-Lieberman bill, according to an analysis by the Environmental Protection Agency, would increase the tax on gasoline by 53 cents per gallon by the year 2030, and an additional 90 cents or so after that. That's a 53-cent-per-gallon gas tax increase, according to the Environmental Protection Agency. That is not some Republican policy group speaking—that is the EPA.

I intend, when the opportunity comes, to offer an amendment to strike from the bill the provisions that would put a 53-cent gas tax increase on the American people. That is the first thing wrong with the bill.

The second thing wrong with the bill is that the Environmental Protection Agency says a 53-cent gas tax increase may hurt the pocketbook of the American consumer, but it will not reduce the carbon. It is not enough to cause people to drive much less and it is an ineffective way to do what the sponsors of the bill want to do, so we would have the worst of both worlds—we would be increasing the gas tax by 53 cents per gallon, and we would not be doing what we aim to do which is to reduce carbon with that effort.

The third thing wrong with the bill is it creates, over the next 10 years—according to the Congressional Budget Office—what I would call a trillion dollar slush fund. It would collect money—in effect a carbon tax, through a cap-and-trade system on the entire economy of the United States—and bring it to Washington, DC, where Members of Congress would, over the next 40 years, create about 42 mandatory entitlement spending programs for that money. Nothing is more dangerous in Washington, DC than a $1 trillion slush fund with a group of Congressmen with ideas about how to spend it.

My cure for that, and I think there will be amendments to this effect, is that to the extent there is any money brought into Washington as a result of a cap-and-trade auction—whether it is only on powerplants or the whole economy—that money ought to be returned directly to the taxpayers, especially the working people who will be having to pay for the higher electric rates or the higher gas prices caused by this legislation.

Those are three problems I have with the bill. No. 1, the 53-cent-per-gallon gas tax increase—that is what the EPA says. I don't think anyone doubts that. No. 2, it doesn't work because the EPA also says—and so does other testimony before the committee of which Senator BOXER is chairman—that an economy-wide cap on fuel is not an effective way to reduce the amount of carbon produced, at least in the early years. And third is the trillion dollar slush fund for Members of Congress to use for their own great ideas they come up with. I can't think of a worse way to spend the money.

It is well intentioned, but the bill as it has grown has become, in effect, with all respect, a well-intentioned contraption and it creates boards and czars and commissioners and money, and it is too complicated and too expensive. It has the potential for too many surprises. It overestimates what we in the United States have the wisdom to do in writing legislation about an economy that produces about 30 percent of all the wealth in the world every year and uses 25 percent of the energy. This is a very complex free market economy we have here and we have to be very careful about how we affect it.

Having said that, would there be a better way to deal with climate change? The answer is, I believe so. I wish to say briefly what I think that is. I believe it would be to put a cap-and-trade system on powerplants alone—that is 40 percent of the carbon produced in the American economy—and a low-carbon fuel standard on fuel. A low-carbon fuel standard, which is already in this legislation, is very simply the idea that beginning in the year 2023 we would control the amount of carbon that fuel in cars and trucks could produce, and that is it. In other words, instead of putting cap and trade on the whole economy as the Lieberman-Warner bill would do, we should only put cap and trade on powerplants—nothing else—and use a different approach for fuel.

Why would cap and trade work for powerplants? We have a lot of experience with cap and trade for powerplants. Cap and trade is simply a system of setting limits on the amount of carbon to come out of the smokestacks at a powerplant—if it is a coal plant or whatever kind of plant it might be. We have experience with measuring that. We actually have measurements for sulfur, nitrogen, and now mercury. We could do it for carbon. We could select effective enforcement dates that had some realistic relationship to the development of technology—for example, the technology to recapture the carbon that comes out of coal plants. And, in doing so, I believe that could be an effective way to begin to control the source of 40 percent of the carbon produced in the United States—the powerplants.

Would it add to the cost of electricity? Yes, it would. What would we do with the revenues from credits that were auctioned if there were a cap-and-trade system? We would give the money back. Not through a lot of federal spending programs, not to the State governments, not to pet projects; we would give it straight back to the working people to help pay their electric bills because they are the ones who would have those higher rates.

That would leave manufacturers alone. It wouldn't drive them overseas. It would avoid setting up all these boards and commissions and czars and government bureaucracies.

Then what would we do about fuel? Already we have done the single most important thing we could do as a Congress for climate change when we passed higher fuel efficiency standards at the end of last year. We did that in a bipartisan way, too. In 2007, we increased by 40 percent the fuel efficiency standards for cars and trucks in the United States for the first time in over 30 years. Testimony from David Greene of the Oak Ridge National Laboratory said that is the single most important thing the Congress can do to deal with climate change, overdependence on foreign oil, or clean air. And we did it. That is the first thing.

But there is another step we could do and that is already in this bill. It is the low-carbon fuel standard that I talked

about a few moments ago. As it is now presented in the bill, it would require fuel suppliers to lower the carbon content of transportation fuels by 5 percent less per unit of energy in 2023, and 10 percent less in 2028. The advantage of a low-carbon fuel standard, unlike the cap-and-trade system which is ineffective in terms of reducing carbon in fuel, is that it would be 100 percent effective because it would require a certain amount of reduction. Second, it is the way we normally deal with fuel and pollution. For example, the low-sulfur diesel standards for big trucks that the Clinton EPA started and the Bush EPA finished is making a big difference in the Smoky Mountains of Tennessee by reducing the amount of sulfur in the air starting this year. That is a form of fuel standard. This would be a low-carbon fuel standard, just like the low-sulfur diesel standard is for big trucks. It is simple. There would be a timeline that we could prepare for, and it might actually lower gasoline prices rather than adding 53 cents per gallon to the price of gasoline as the Lieberman-Warner bill would, because if you know that there needs to be a low-carbon fuel standard, then you might, for example, choose electricity as a fuel and have a plug-in hybrid vehicle and that would reduce the amount of carbon for fuel.

Or you might advance research for biofuels made from crops we don't eat, such as cellulosic ethanol, and use more of that kind of fuel. But we wouldn't have Senators and Congressmen and people who are elected to office making judgments about picking and choosing winners and losers.

If you are asking me how I would do it, I would imagine that if we looked ahead a couple years and had to guess today what kind of climate change legislation might actually pass the Senate, the House of Representatives, and be signed by the President, I think it will be a very simple piece of legislation, probably cap and trade for powerplants, with effective dates regulated or adjusted to the development of technology that would permit powerplants to meet the standards. Then, for fuel, it would be the higher fuel efficiency standards we already passed into law last year, plus a low-carbon fuel standard. That would cover two-thirds of the carbon we produce in the United States. The current bill only presumes to cover 85 percent. The approach I am suggesting would fairly distribute the burden because most people buy electricity and most people buy gasoline. It should be lower cost, fewer surprises, and much less complicated than the bill we are debating in the Senate today.

I might add to that framework I suggested, we would take whatever money was auctioned off in the cap-and-trade system on powerplants and—rather than building what I call a slush fund—refund it to the taxpayers. That money would come right in and go right back home, right back to the taxpayers. It wouldn't stop.

Finally, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 1½ minutes. I stand corrected. The Senator has 4½ minutes.

Mr. ALEXANDER. Finally, the best way to deal with the climate change issue would be a different agenda—one that focuses on clean energy. I would much prefer to see the Senate today talking about clean energy independence rather than the President asking the Saudis to drill for more oil or the Democratic majority saying: Don't explore for oil but raise taxes on gasoline by 53 cents per gallon. I would rather see a Republican or a Democratic President work with the Congress and say: Let's say to the world we are going to launch a new Manhattan Project for clean energy independence. So within 5 years we will be well on our way to saying to the Saudis: We want to be your friends, but we can take or leave your oil.

The way to do that would be, first, to begin to do the things we know how to do to increase supply. For the next 30 years, we are going to use oil; it might as well be ours rather than importing it. Explore for oil offshore, and use it from the 2,000 acres in Alaska that is next to 13 million acres of wilderness. Then agree on six or seven grand challenges, such as those I suggested at the Oak Ridge National Laboratory a couple of weeks ago, to give us a chance to make breakthroughs that would give us that kind of clean energy independence. Those would include making plug-in cars and trucks commonplace, a crash program for carbon recapture, for making solar costs equal or as low as fossil fuel costs, advanced research for biofuels from crops that we don't eat, more new green buildings, even fusion for the longer term.

I believe from the day the American President and the Congress announced to the world that we were engaged in a new Manhattan Project for clean energy independence that included both supply, demand, and research, what would happen is that the rest of the world would change its way of thinking, that the speculators would get nervous, that the oil-producing countries would get real, and that the price of gas would stabilize and eventually go down. Within 5 years, we would be well on our way to clean energy independence. That is the way to deal with high gas prices, high electric prices. That is also the way to deal with clean air, climate change, and the national security implications of our overdependence on foreign oil.

I yield the floor.

The PRESIDING OFFICER. There is now 5 minutes available for rebuttal. The Senator from California.

Mrs. BOXER. Mr. President, Senator LIEBERMAN and I had planned to share this, but if Senator WARNER wishes to jump in, we will try to yield him some time. Let me say this one more time: Every Republican speaker who has come to the floor has talked about a gas tax. It in a way is so ironic, because when they had a chance to help us deal with gas prices, where were they? My friend, Senator ALEXANDER, says gas prices are going up 52 cents. He didn't tell you it is over 20 years, folks. He didn't tell you that, 2.5 cents a year, if he is right, and he is not right. That is the outer limit. The automobile fuel economy standard we passed will negate that, even if it is true. But where was he? Where were they?

We had three initiatives, we Democrats. They said nothing. Now, when we are on the brink of getting off foreign oil, getting off big oil, suddenly we can do nothing. It is sad, but that is the case.

What we are forgetting—and not one Republican has talked about this issue except for Senator WARNER, and I am happy to say Senator SNOWE is on her way to speak—the National Academy of Sciences concluded that climate change is real, attributed to human activities, and that global warming is unequivocal, and we need to do something about it.

The human health impacts, these come straight from the Bush administration people: Increase in the frequency and duration of heat waves and heat-related illness, increase in waterborne diseases, increased respiratory diseases. All they can talk about is 2 cents a year on gas prices, which isn't going to happen because we are going to get off foreign oil. Increased respiratory disease, lung disease, asthma, if we don't act. Children and the elderly are vulnerable. I don't hear any talk about that. All we hear about is 2 cents a year on gas, which we are not going to see either. The polar bears, we know they are in deep trouble. They are God's creatures, God's creatures. We have a responsibility to protect the 40 percent of the species that could be extinct.

Let me close my part by saying this. Evangelicals, the Conference of Catholic Bishops, the National Council of Churches, the Religious Action Center of Reform Judaism, the Jewish Council for Public Affairs, the Interfaith Power and Light Campaign—these dedicated religious leaders have joined hands with us. Why? Because they feel this is a moral issue. We believe jobs will be created. Businesses will be created. Technologies will come to the fore and will solve the global warming problem.

I yield the remainder of my time to Senator LIEBERMAN, if he wishes to share it.

Mr. LIEBERMAN. Is there time remaining?

The PRESIDING OFFICER. There is 2 minutes remaining.

Mr. LIEBERMAN. I yield to Senator WARNER.

Mr. WARNER. Mr. President, before my distinguished colleague from Tennessee leaves the floor, I listened to his proposal, just taking out the power industry and use that. But the revenues you gain by your bill, wouldn't they be

subject to the same accusation? Is it a tax? I think it is a false accusation, but I think your plan is basically a part of our plan. If they call our plan a tax, yours is a tax; am I correct?

Mr. ALEXANDER. If I may answer the Senator briefly, the answer is, correct, to the Senator.

Mr. WARNER. That is all I need to know.

Mr. ALEXANDER. Except that the rest of my answer to the Senator from Virginia is, any increase in revenue that came into the Government as a result of the cap-and-trade system on powerplants would then go straight back to the working people who pay their electric bills instead of coming into the unwieldy contraption this bill sets up which creates what I call a slush fund.

Mr. WARNER. Mr. President, I reply to my good friend, your plan is just as subject to the calls in here that it is a tax as is ours. But you send it back to the taxpayers. What we do is to give it to research and technology to try and improve the efficiency of the spectrum of organizations. We will have a proper pie chart tomorrow, showing how we take the money we collect and send it to research and development to improve our ability to develop solar and wind and all types of things. That is the difference. You are, in a sense, a tax collection agency. You collect it and give it back to the people. We collect it the same way, but we then put it into where technology will benefit the people.

Mrs. BOXER. Will the Senator yield for a question on his time?

The PRESIDING OFFICER. The rebuttal time on this matter for this period has expired.

Mrs. BOXER. I was asking if the Senator could use some of his own time.

Mr. WARNER. I yield to the manager part of my time for the purpose of a colloquy. The colloquy will add strength to this whole debate.

Mrs. BOXER. It is the colloquy that I believe is important because my friend is so right. We approach the future with hope. We are not going to pull the covers over our heads. This is America. We need to lead, and we need to lead in technology. We know venture capitalists have told us they are waiting for this bill. They are going to invest more in new technologies than they ever did in biotech and high tech. I wish to ask my friend this question: It is true that we do have a very large tax cut in this bill; is that not so?

Mr. WARNER. Mr. President, the chairman is correct.

Mrs. BOXER. Is it not so that we have a large, almost a trillion dollars of consumer relief that goes through the utilities to help our consumers; is that not correct?

Mr. WARNER. Mr. President, the chairman is correct.

Mrs. BOXER. And lastly, is it not true that we have a deficit reduction trust fund of about a trillion dollars as well?

Mr. WARNER. Mr. President, the chairman is correct.

Mrs. BOXER. I wish to make that point because I resent the Senator from Tennessee saying our bill is a slush fund.

Mr. ALEXANDER. Mr. President, I resent being resented and ask unanimous consent for a couple minutes to get into this colloquy, if I may.

Mr. WARNER. I have no objection, but where is the time coming from? I would hope you could find it.

Mrs. BOXER. He is asking unanimous consent.

Mr. INHOFE. He is asking for additional time.

Mrs. BOXER. That is fine with me.

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

Mr. ALEXANDER. Mr. President, I am trying to get to a result here. Ever since I have been a Senator, I have proposed a cap-and-trade system on powerplants to deal with climate change. All I am saying is it would be better to keep it simple, to take the money collected and send it straight back home rather than bringing it up here and putting it in a slush fund. If ''slush fund'' is offensive to the Senator from California, I am sorry, but that is what large funds tend to be here. It is mandatory spending that is earmarked for the next 42 years.

So removing that slush fund would be an improvement on their bill. Take that out. Send the money back to the people. Return it to the individuals who paid it. That is all I am suggesting. No one ought to be offended by that. If we need to invest dollars in solar research, for example, I sponsored the amendment for the solar energy tax credit that is in the law now. Let's do that separately and with a clear appropriation, rather than a 42-year mandatory spending program that is drawn from $800 billion.

I thank the Chair and Senators for their courtesy.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, if I may take 2 minutes off my time to say to my good friend, when you get up and say it is going there for the next 42 years or whatever statement you made, you are incorrect. In our managers' amendment, the substitute, whatever comes up tomorrow—and that will be the order of business—we explicitly give the President of the United States the power at any time to come in and alter where those funds go. Of course, it requires the concurrence of the Congress, so the Congress has a voice.

There is nothing in our bill that acts in perpetuity. If at any time the President determines there is a crisis in the economy or that the technology, as required by the power sector to do the sequestration, is not there, the President pulls back on the throttle.

So I would hope colleagues, when they get up to discuss this bill, recognize that flexibility has been put in it to take care of all of these situations. I hope we do not have anybody saying again: And for 42 years this will stay in fixed cement, in place. It is not true. Flexibility is at every turn.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. INHOFE. Mr. President, can I make a parliamentary inquiry?

Is the time that was used by the Senator from Virginia going to be taken from his time?

Mrs. BOXER. Yes.

Mr. INHOFE. The reason I ask is because we have a lot of people who have lined up afterwards who do not want to wait much longer.

The PRESIDING OFFICER. On the parliamentary inquiry from the Senator from Oklahoma, the time will be charged against the Senator from Virginia.

The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I yield myself some time from the 20 minutes I have allotted on the list.

The PRESIDING OFFICER. Is there objection?

Mr. INHOFE. Mr. President, reserving the right to object, let me explain why. I know you are going to take it from your time, but the problem is, we have two speakers on this side who are pressed for time, and you are actually scheduled for after these two speakers. So if you could wait until your time, it would be——

Mr. LIEBERMAN. Mr. President, as Mr. ALEXANDER, the Senator from Tennessee, did, I ask unanimous consent for 2 minutes from my time to respond to something the Senator from Tennessee said.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, two points. One is on the discussion of an increase in the cost of gasoline. There was a lot of citing from Senator ALEXANDER and others about the projection of a 53-cent increase per gallon of gasoline. Again, it is over 22 years, made by EPA, 2008 to 2030. That is about a 2-cent-plus, at the outside, per year increase in a gallon of gasoline.

I tell you, look at what it has done this year. Just this year, in 8 months: January 7, $3.11; May 26, $3.93—an 82-cent increase since the beginning of this year—compared to about a 2-cent a year, outside, increase projected to do something, which is to help us achieve the purpose of this bill, which is to reduce carbon pollution that causes global warming. That is the point.

The second point, and we are going to come back to this, Senator ALEXANDER—and we agree—sees there is a problem. He wants to deal with it in a mandatory way and agrees on cap and trade. But he only wants to do it for the powerplant sector. We think if you do that, and eliminate the oil and fuel sector, eliminate the industrial sector,

you are simply not going to get the reductions in carbon pollution we need to reduce global warming, and you are going to diminish the marketplace.

A lot of the companies that want to come in are going to be deprived of the kind of broad marketplace we believe will work best to stimulate innovation and to reduce the carbon pollution that causes global warming.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Maine.

Ms. SNOWE. Mr. President, I ask unanimous consent to claim the 30 minutes that was previously reserved for Senator CARPER.

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

Ms. SNOWE. Thank you, Mr. President.

I rise in support of the legislation that is pending and the substitute that will be offered by the chair of the committee, Senator BOXER, to the Lieberman-Warner Climate Security Act, which is obviously a historic measure that is a benchmark for America in confronting the pressing and pervasive threat of global climate change.

This is not a Democratic issue; it is not a Republican issue. It is not a conservative or liberal issue. This is a human issue. It is a planetary issue. It is a moral issue. It is a matter and a question of stewardship, of responsibility not only to ourselves and the world in which we live but, most critically, to a future we will never inhabit but will largely determine based on decisions we make now.

In that light, I express my profound gratitude to the chair of the committee, Senator BOXER, without whom, obviously, this simply would not have been possible. I thank her for her longstanding advocacy and leadership, bridging the partisan divide which I think is what this legislation that is pending before the Senate does—the substitute that will be offered by her tomorrow—because I think it is critical we begin this process in developing the United States' leadership with respect to one of the most pressing and transformational issues not only facing this country but the world community.

I also express my profound gratitude to Senator LIEBERMAN and Senator WARNER for their outstanding and longtime leadership as well, and for their advocacy in developing those solutions to stem global climate change. It is certainly one of the most consequential issues of this century. I thank them for their vision and courage—and Senator BOXER—for doing all they could to bring this legislation to this point in the Senate to have the first ever debate on a monumental issue that will reverberate for generations.

I have heard much here in the debate. Hopefully, I will be able to offer some of the counterpoints later on in the debate. I want to lay out my own views with respect to this issue because I think it is so critical for the future of this country. I do not think we can afford the option of inaction any longer. I think this is the time in which we have to engage in global leadership and to lead the way on this critical issue, and not to forfeit what is essential, for the United States to position itself on one of the major environmental issues of all time.

I thank the Senator from Virginia, for whom leadership has been the hallmark of his 29 years of service in the Senate. That ennobling quality is now on display yet again today on this vital and timely issue before this body.

We have arrived at this day, as this issue of global warming should no longer be open to serious skepticism. This past week, the U.S. Government released a report that concluded that climate change is affecting the Nation's ecosystems, causing significant changes, such as increasing incidences of severe storms in some areas, and water scarcities from the lack of rain and snowpack in others, along with insect outbreaks and forest fires.

Looking to the future, in the words of the U.S. Department of Agriculture report, ''Even under the most optimistic carbon dioxide emission scenarios, important changes in sea level, regional and super-regional temperatures, and precipitation patterns will have profound effects.''

The bottom line is, this debate is no longer a question of science. It is now a question of our political will to provide solutions to these problems. I believe the substitute bill we will be debating later on this week, with an approach that mirrors closely what Senator KERRY and I called for in the Global Warming Reduction Act that we introduced in the last two Congresses, offers a measure that anyone who has analyzed the science and is honestly committed to addressing global warming can support.

It establishes a Federal program to reduce U.S. greenhouse gas emissions as much as 66 percent by 2050, through a mandatory cap-and-trade program that provides companies with both the flexibility and certainty necessary for their continued viability and growth, while allowing the United States to lead the world in reducing damaging CO_2 emissions for the generations to follow. It presents us with a watershed opportunity that our obligation to the future dictates we must seize now.

I have not come lightly or lately to this debate, having cosponsored the Lieberman and McCain Climate Stewardship Act in the 108th and 109th Congresses, as well as the Global Warming Prevention Act as far back as 1988, when I was a Member of the House of Representatives. So I am left to wonder exactly how far down the road we would be now if we had acted then. That was 20 years ago, when one of the first pieces of climate change legislation was introduced in the House of Representatives and Senate, and here we are, in 2008, and yet we have not engaged this issue in a proactive way as a nation.

Indeed, it has been my concern regarding global climate change that led me to accept an invitation in 2004 to be the cochair of the International Climate Change Taskforce, established by three respected ''think tanks''—the Institute for Public Policy Research in the United Kingdom, the Center for American Progress in the United States, and the Australian Institute.

In working with my cochair, the Right Honorable Stephen Byers of the United Kingdom, our goal was to develop recommendations to blaze a trail for engaging all countries to forge an international consensus for action on climate change, including the United States, China, and India, which are not bound by the Kyoto Protocol, as we all know.

Subsequently, our task force published a series of recommendations in January 2005, ''Meeting the Climate Challenge.'' Right at the top of our list, based on scientific consensus, was the necessity of preventing global temperatures from rising more than 3.6 degrees Fahrenheit, or 2 degrees Celsius, over the course of this century. Beyond that 2-degree Celsius increase, the planet would arrive at a tipping point—a potential abrupt climate change that would have catastrophic effects on our ecosystems and our society. Already, we have witnessed the early warning signals, with the loss of Arctic Sea ice, for instance, that appears to be accelerating faster than scientific models only recently predicted.

So what will it require to ensure we remain below the 2-degree Celsius tipping point? Well, currently, there exists a concentration of 380 parts per million of carbon dioxide in the world's atmosphere. An increase of 2 degrees Celsius correlates with a carbon dioxide concentration at 450 parts per million. Therefore, ensuring we do not exceed this concentration level is absolutely essential.

An additional recommendation in our report calls for the G8 and other major economies, including from the developing world, to form a G8+ Climate Group, to involve major CO_2-emitting countries in the climate change debate to ultimately develop a blueprint for moving forward in the carbon dioxide reduction program.

As a result, the G8+5 Ministerial Level Group was established with the five major developing countries of China, India, Mexico, Brazil, and South Africa. President Bush has expanded upon this idea as the basis for his current Major Economies Meeting. The current G8 president, the Japanese Prime Minister, is employing the same guidance at this summer's G8 Summit.

The point is, we have established we cannot risk an increase of more than a 2-degree Celsius increase in global temperatures. We further know that CO_2

emissions contribute to global warming. There is no doubt this is an international problem requiring an international solution that must include action on behalf of the world's highest CO_2 emitters if the effort is to be effective.

Indeed, our task force specifically recommended that all developed countries introduce national mandatory cap-and-trade systems for carbon emissions, and construct these systems so they may be integrated into a single global market. And that, of course, is the linchpin of the bill before us: a mandatory domestic carbon cap-and-trade system for the United States that would achieve an actual 71 percent emissions reduction by 2050 for the 87 percent of the Nation's emitters that are capped under the bill, with a 66 percent reduction of total U.S. emissions by 2050.

Now, I fully understand this bill represents a major new initiative for the United States. Therefore, I want to underscore that this is not, as some have asserted, a proposed solution to a problem that does not actually exist. We are not being compelled by guesswork or by unsubstantiated theory or by popular perception. We are being led by the facts.

This past year, the scientists on the United Nations Intergovernmental Panel on Climate Change—who shared in the 2008 Nobel Peace Prize—recently completed the IPCC's Fourth Assessment Report, which was 6 years in the making, and drew on the work of more than 2,500 scientists, 800 contributing authors, and 450 lead authors. As the ranking member of the Commerce Subcommittee on Oceans, Atmosphere, Fisheries, and Coast Guard, which oversees the National Oceanic and Atmospheric Administration, I wish to congratulate the 120 NOAA scientists—NOAA scientists, I add—who were part of Working Group I, the Physical Science Basis of the International Panel on Climate Change, who shared in the Nobel Peace Prize. You can see all the names listed on this poster I have right here: 120 of our own scientists who reached the same conclusions.

I ask unanimous consent that the names of these exceptional Federal scientists be printed in the RECORD.

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

NOAA 2007 PEACE PRIZE LIST

Dan Albritton, J.K. Angell, John Antonov, Phillip A. Arkin, Raymond A. Assel, John Austin, A. Barnston, J. Bates, T. Bates, Tim Boyer, A. Broccoli, H. Brooks, Kirk Bryan, Earle N. Buckley, James L. Buizer, J.H. Butler, Muthuvel Chelliah, Thomas J. Conway, W. Cooke, M. Crowne.

J.S. Daniel, Margaret Davidson, Thomas L. Delworth, H.F. Diaz, Keith Dixon, Ed Dlugokencky, B. Douglas, David Easterling, James W. Elkins, William P. Elliott, R.E. Eskridge, J. Everett, David W. Fahey, James Fahn, Lisa Farrow, Richard Feely, Fred Fehsenfeld, Josh Foster, Melissa Free, Dian J. Gallen (Seidel), K. Gallo, Hernan Garcia.

Byron Gleason, S.M. Griffies, Pavel Groissman, A. Gruber, Richard Gudgel, G. Gutman, Y. Hayashi, J. Hayes, J. Haywood, Isaac Held, Masao Kanamitsu, Sally Kane, Thomas Karl, George Kiladis, Richard W. Knight, Thoms Knutson, Chris Landsea, John Lanzante, E. LaRoe, Ngar-Cheung Lau.

R. Lawford, Jay Lawrimore, Ruby Leung, David Levinson, Sydney Levitus, Clement Lewsey, C. Liu, Robert E. Livezey, S. Manabe, Martin Manning, Ken Masarie, Michael McPhaden, James H. McVey, J. Meehan, Richard Methot, Richard B. Mieremet, John B. Miller, Robert Molinari, Stephen A. Montzka, David Mountain.

D. Murphy, Claudia Nierenberg, J. Norris, Paul C. Novelli, George Ohring, J. Overpeck, T. Owen, Tsung-Hung Peng, Thomas Peterson, Stephen R. Piotrowicz, Roger Pulwarty, R. Quayle, Frank H. Quinn, Patricia Quinn, Venkatachalam Ramaswamy, George Reid, R.W. Reynolds, Sergei Rodionov, C.F. Ropelewski, Anthony Rosati.

Karen Rosenlof, R. Ross, Christopher Sabine, Russ Schnell, M.D. Schwartzkopf, Dan Schwarzkopf, Kenneth Sherman, Caitlin Simpson, Susuaon Solomon, D.J. Stensrud, William Stern, Macol Stewart, R. Stewart, Ronald J. Stouffer, Tonna-Marie Surgeon, Pieter P. Tans, Juli M. Trtanj, Russell Vose, Rik Wanninkhof, Richard T. Wetherald, Stan Wilson, M. Winton, Scott D. Woodruff, David Wuertz, Bruce L. Wyman, P. Xie, T. Yamada.

Ms. SNOWE. The IPCC's key findings were agreed to unanimously by more than 130 governments, including those of the United States, China, India, and the European Union, and now are forming the basis for international policy. For the first time since its first assessment in 1990—and I repeat, 1990—the IPCC concluded that there is at least a 90-percent chance that manmade activities, through the burning of fossil fuels, are the major cause of global warming.

Now, if we were told in any sphere that we had at least a 90-percent chance of diverting a disaster through changes we ourselves could make, would we not take action? Is the IPCC finding not a compelling reason to assume reasonable steps when climate change is occurring, even beyond the projections that were outlined just decades ago?

So here on these charts we have some illustrations of just what the science is referring to: Arctic sea ice from NASA's images taken in 1979, 2005, and again in 2007 displaying the increase in the melting of the polar ice in September when the sea ice is usually at a minimum each year. So you can see the differences. In 1979, when we can see the sea ice, we can see the masses of the sea ice, and then, of course, you look progressively and see what has happened in 2005 and 2007 and you see the demonstrative difference and discrepancies of what is happening with the melting process just since 1979.

When you look at the amount of sea ice noted in September, it looked like this massive amount in 1979; and here we are progressively to 2007: Obviously, we have a serious problem that the global community needs to recognize and we need to address. That is why we cannot forfeit our leadership in this process. It is quite obvious that more of the sea ice has melted than ever before. When you look at the 2007 picture, it obviously indicates how alarmingly the sea ice has diminished, even opening the Northwest Passage. This is some of what the U.S. Department of the Interior looked at when listing the polar bear as threatened under the Endangered Species Act, as its habitat is literally melting away.

The May 29 U.S. Climate Change Science Program called ''The Scientific Assessment of the Effects of Global Change in the United States'' stated that the 2007 Arctic sea ices were 23 percent below the previous all-time minimum observed in 2005. I will repeat that because that is significant. By our own report that was issued just last week saying that Arctic sea ices were 23 percent below the previous all-time minimum observed in 2005, in just 2 years we see a decline of more than 23 percent. Some models suggest that the Arctic Ocean is likely to be free of summer ice as soon as 2040.

Closer to home, the report stated that the energy sector will be subject to the effects of climate change through direct impacts from increased intensity of extreme weather events. Increasingly, global temperatures, rising sea levels, and changing weather patterns will pose significant challenges to the Nation's roads, airports, railways, transit systems, and ports. What we are talking about is our energy and transportation network that is vital not only to the entire U.S. economy but to our quality of life.

The new facts just keep on coming. Just last month a study was published in the Journal of Science called ''Expanding Oxygen Minimum Zones in the Tropical Ocean,'' warning that marine zones where fish and other sea life can suffocate from lack of oxygen are spreading across the world's tropical oceans. Scientists warn that if global temperatures keep rising, there could be dramatic consequences for marine life and for humans and communities that depend on the sea for a living.

So let's move beyond the question of should we act, as many of our own States have chosen to do. Maine, California, Hawaii, Minnesota, New Jersey, Oregon, and Washington have all had mandatory climate laws on the books that mandate limits on greenhouse gas emissions. At least 23 States have joined one of the three regional partnerships that will require greenhouse gas and just carbon dioxide emission reductions.

Set to take effect in 2009, the Northeast Regional Greenhouse Gas Initiative, known as RGGI, is a partnership of 10 Northeast and Mid-Atlantic States, including my own State of Maine, that creates a cap-and-trade system to limit carbon dioxide emissions from powerplants. Yet while the States have moved out on the vanguard as their citizens have demanded, Congress has delayed, hiding behind the red herring of arguments of scientific uncertainty rather than considering

the truth that peer-reviewed science has revealed.

The legislation before us has been crafted to respect the courageous initiative of these States while recognizing that a patchwork of State-to-State regulation is a serious impediment for U.S. businesses and industry. It does not preempt existing State policy or State authority to limit or to avoid greenhouse gas emissions but, rather, authorizes transition funds to assist the Northeast Regional Greenhouse Gas Initiative partners, for instance, in meshing with the new Federal program if they so choose.

We have worked to make additional improvements to the bill that was passed out of the Senate Environment Committee to garner the breadth of support necessary to get this bill passed. But I think it is illustrative of the States' leadership that 23 States have already been willing to take action, to be progressive, to understand the dimensions of this problem, and that they are willing to accept the challenges and also the costs of being able to move forward independently and separately because the Federal Government has failed to take action; that the Congress has failed to take action for so long that 23 States across this country have been prepared to do it.

So this legislation recognizes that. That is why it is important to give the certainty of a Federal standard so that businesses can operate knowing what regulations will be in play. In fact, businesses have joined together with environmental organizations to reach an agreement, understanding that it is in the national interest to work in concert and to understand as they prepare to make the investments for 40 and 50 years beyond. That is the point of having a national standard. That the States have been prepared to assume that leadership irrespective of the failure of the Congress to address it certainly illustrates their willingness and their courage to move forward on this critical issue.

For those who have expressed concerns about the impact to the Federal budget, this new substitute is now deficit neutral, according to a June 2 CBO report. I ask unanimous consent to have this CBO report printed in the RECORD.

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

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

(June 2, 2008)

Lieberman-Warner Climate Security Act of 2008.—A substitute amendment for S. 3036 transmitted to CBO on June 2, 2008

Background: S. 3036 would set an annual limit or cap on the volume of certain greenhouse gases (GHGs) emitted from electricity-generating facilities and from other activities involving industrial production and transportation. Under this legislation, the Environmental Protection Agency (EPA) would establish three separate regulatory initiatives known as cap-and-trade programs—one covering most types of GHGs, one covering hydrofluorocarbons (HFCs), and a third program to cover the carbon emissions embodied in imported goods.

EPA would establish a quantity of allowances for each of calendar years 2012 through 2050 and would auction some of those allowances. The proceeds would be used to finance various initiatives, such as developing renewable technologies, assisting in the education and training of workers, and providing energy assistance for low-income households. EPA would distribute the remaining allowances at no charge, to states and other recipients, which could then sell, retire, or use them, or give them away. Over the 40 years that the proposed cap-and-trade programs would be in effect, the number of allowances and emissions of the relevant gases would be reduced each year.

Funds from the auction of allowances are considered to be federal revenues and the spending of the auction proceeds to be federal outlays. In addition, because the government would be essential to the existence of the allowances and responsible for the readily realizable monetary value of them through its enforcement of the cap on emissions, and because the market for non-HFC allowances would be relatively liquid, CBO considers the distribution of those allowances at no charge to be functionally equivalent to distributing cash.

Finally, because the receipts from selling or giving allowances away would effectively be an indirect business charge that reduces the federal tax base for income and payroll taxes, in most cases, CBO adjusted a portion of the gross gain to the federal government from auctioning and giving away allowances to account for reductions in other federal revenues; we assume that tax offset totals 25 percent—an approximate marginal tax rate on overall economic activity.

CBO's cost estimate for S. 2191 (the Lieberman-Warner Climate Security Act of 2007), as ordered reported by the Senate Committee on Environment and Public Works on December 5, 2007, includes a detailed discussion of how the budgetary treatment of the cap-and-trade program, including a discussion of how tax offsets are applied to the revenues generated by allowances auctioned and given away. It also describes the methodology that CBO uses for analyzing this type of legislation. That estimate was provided to the Congress on April 10, 2008.

Estimated cost of the amendment: CBO estimates that enacting the amendment would increase revenues by about $902 billion over the 2009–2018 period, net of income and payroll tax offsets. That estimate excludes revenues from the sale of international reserve allowances for imported goods because CBO has not had sufficient time to analyze the impact of such allowances and to assess either the number or value of those allowances that would be auctioned. Over the next 10 years, we estimate that direct spending would total about $836 billion. That figure also excludes any spending of proceeds from the auction of international reserve allowances for imported goods because the spending of any such receipts would be subject to future appropriation acts. The additional revenues from enacting this legislation would exceed the new direct spending by an estimated $66 billion, thus decreasing future deficits (or increasing surpluses) by that amount over the next 10 years (see table below).

CBO has not completed its estimate of spending that would be subject to future appropriation action. Therefore, this estimate does not address such spending. In years after 2018, net revenues attributable to the legislation would exceed annual direct spending through 2050.

Intergovernmental and Private-sector Mandates: The amendment would impose private-sector mandates, as defined in the Unfunded Mandates Reform Act (UMRA), with costs that substantially exceed the annual threshold established in UMRA for private-sector mandates ($136 million in 2008, adjusted annually for inflation). The most costly mandates would require certain private-sector entities to participate in the cap-and-trade programs for greenhouse gas emissions created by the bill.

CBO estimates that the cost of complying with those mandates would total tens of billions of dollars annually.

ESTIMATED IMPACT ON REVENUES AND DIRECT SPENDING OF A SUBSTITUTE AMENDMENT TO S. 3036, TRANSMITTED TO CBO ON JUNE 2, 2008

	By fiscal year, in billions of dollars—											
	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2009–2013	2009–2018
CHANGES IN REVENUES [a]												
Proceeds from Auctioning Allowances:												
Allocated for Government Activities	0.7	0.7	0.8	17.8	18.2	19.3	20.3	21.3	22.3	26.0	38.1	147.3
Allocated for Spending Subject to Appropriation	0.5	0.5	0.6	11.0	11.7	12.3	13.9	15.1	16.1	18.1	24.3	99.9
Free Allocation of Allowances	0	0	19.6	83.1	84.4	83.6	88.4	93.9	98.8	102.3	187.1	654.1
Other Revenues	0	*	*	*	*	*	*	0.1	0.1	0.1	0.1	0.3
Total Estimated Revenues	1.2	1.3	21.0	111.8	114.3	115.2	122.6	130.4	137.3	146.5	249.6	901.6
CHANGES IN DIRECT SPENDING												
Spending from Auction Proceeds:												
Estimated Budget Authority	0.9	1.0	1.0	23.7	24.3	25.8	27.0	28.4	29.7	34.6	50.8	196.4
Estimated Outlays	0	0.2	0.5	5.6	11.3	16.4	21.3	24.8	26.7	28.5	17.5	135.2
Spending from Freely Allocated Emission Allowances:												
Estimated Budget Authority	0	0	19.6	88.5	90.2	89.7	94.8	100.9	106.2	110.1	198.3	700.0
Estimated Outlays	0	0	19.6	88.5	90.2	89.7	94.8	100.9	106.2	110.1	198.3	700.0
TVA and Other Spending:												
Estimated Budget Authority	0	*	*	*	*	*	0.1	0.1	0.3	0.5	*	1.0
Estimated Outlays	0	*	*	*	*	*	0.1	0.1	0.3	0.5	*	1.0
Total Changes:												
Estimated Budget Authority	0.9	1.0	20.7	112.2	114.4	115.5	122.0	129.3	136.1	145.2	249.1	897.3
Estimated Outlays	0.1	0.2	20.1	94.1	101.4	106.1	116.2	125.7	133.1	139.1	215.8	836.1

ESTIMATED IMPACT ON REVENUES AND DIRECT SPENDING OF A SUBSTITUTE AMENDMENT TO S. 3036, TRANSMITTED TO CBO ON JUNE 2, 2008—Continued

	By fiscal year, in billions of dollars—											
	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2009–2013	2009–2018
NET CHANGE IN THE BUDGET DEFICIT OR SURPLUS FROM CHANGES IN REVENUES AND DIRECT SPENDING												
Impact on Deficit/Surplus [b]	1.2	1.1	0.9	17.8	12.9	9.2	6.3	4.7	4.2	7.4	33.8	65.5

Notes: * = less than $50 million; TVA = Tennessee Valley Authority.
Components may not sum to totals because of rounding.
The bill would affect spending subject to appropriation, but CBO has not yet completed its estimate of such spending.
[a] Revenue estimate does not include proceeds from the sale of international reserve allowances for imported goods.
[b] Positive numbers indicate decreases in deficits (or increases in surpluses); negative numbers indicate increases in deficits (or decreases in surpluses).

The amendment also contains several intergovernmental mandates as defined in UMRA. CBO estimates that, during the first five years following enactment, states would realize a net benefit as a result of this bill's enactment (resulting from the allowances they would receive). Therefore, the annual threshold for intergovernmental mandate costs established in UMRA ($68 million in 2008, adjusted annually for inflation) would not be exceeded.

Previous CBO estimates: On April 10, 2008, CBO transmitted a cost estimate for a substitute amendment to S. 2191, the Lieberman-Warner Climate Security Act of 2007, as ordered reported by the Senate Committee on Environment and Public Works on December 5, 2007. That substitute amendment to S. 2191 was introduced as S. 3036, the Lieberman-Warner Climate Security Act of 2008, on May 20, 2008. CBO has estimated the budgetary impact of those versions of this legislation as follows:

S. 2191, as ordered reported by the Senate Environment and Public Works Committee on December 5, 2007, would increase deficits (or decrease surpluses) by $15 billion over the 2008–2017 period; and

An amendment to S. 2191 that was introduced as S. 3036 on May 20, 2008, would reduce deficits (or increase surpluses) by $78 billion over the 2008–2017 period.

Estimate prepared by: Federal Costs: Susanne S. Mehlman. Impact on State, Local, and Tribal Governments: Neil Hood. Impact on the Private Sector: Amy Petz.

Estimate approved by: Theresa Gullo, Deputy Assistant Director for Budget Analysis.

Ms. SNOWE. At the same time, the bill also allows us to respond to the complex issues of curbing greenhouse gas emissions while squarely confronting the argument that reducing carbon dioxide emissions will damage our economy. To the contrary, funds generated for the Federal Government from this auction of carbon emission allowances that are established under this legislation can be held, purchased, or sold in the program's first 18 years so that it can generate $1 trillion for clean technology, in worker training and retraining programs.

Moreover, the bill provides funding to help industry meet the new emissions targets not just in the short term but all the way through 2050. So it has a long-term view and also accepts the long-term responsibilities and obligations that accompany this legislation. It also encourages low and zero carbon technologies that would change as the technologies are developed and come on line by placing a cost on greenhouse gas emissions. But it also offers the private sector the certainty they require with respect to the laws they must comply with well into the future before they invest in low and zero carbon technologies. That is important so that businesses not only understand the standards that will be established for the next 40 to 50 years; it also is logical for them in terms of making their decisions, their financial investments, and understanding what the long term will prescribe.

In addition, this bill provides a range of funding incentives from manufacturers of high efficiency consumer products, manufacturers with zero and low carbon generation technology, advanced coal technology, fuel from cellulosic biofuels, electric vehicles, hybrid or plug-in electric cars, fuel-cell-powered cars, and advanced diesel—all areas of potential future economic growth that should put America well on its way toward developing the alternative technologies that are so essential to making us independent of fossil fuels.

The substitute legislation to the Climate Security Act also adds $800 billion through 2050 for a tax relief package to help consumers with energy costs that will be developed by the Senate Finance Committee. It also will provide $250 billion in funding through 2050 from auction revenues for States to assist them in protecting against possible future effects of climate change such as storm surges and rising sea levels in coastal States. In addition, $566 billion will be provided through 2050 for States that take action to reduce greenhouse gas emissions and that the funding can be used for specific State purposes such as the LIHEAP program and energy efficiency programs as well.

I am also pleased that the Climate Security Act has included language from a bill that Senator KLOBUCHAR and I introduced establishing a robust tracking system to inventory greenhouse gas emissions from significant sources across this country. This was a critical first step that the European Union did not have in place when instituting their emissions training system, and as a result of this lack of accurate data, they gave away too many allowances to industry that could be traded, and the carbon market bottomed out.

The substitute further includes strong market oversight provisions from legislation that Senator FEINSTEIN and I introduced to ensure price transparency and prevent market manipulation and other abusive practices when carbon emission allowances are sold in the carbon market created by this legislation.

This bill is not perfect, but in fact it does go hand in hand with robust economic growth. The science of the matter tells us that business as usual certainly is not an option. Adhering to the status quo will continue current U.S. job losses to other countries that must be brought under the same umbrella for greenhouse gas reductions as we are attempting to do with this legislation through international mechanisms and partnerships. There should be no reason for good U.S. jobs to move overseas and be lost to those countries with no checks on their lax environmental laws.

The only other alternative which some of my colleagues and economists have called for is a carbon tax. Yet those in favor of a carbon tax and not a free market cap-and-trade system cannot guarantee that a tax will achieve the necessary environmental protection. If a tax is set too low, companies will simply pay the tax without reducing emissions. If a tax is set too high, unnecessary costs will be imposed upon businesses and consumers, especially on low-income Americans. A flexible but mandatory cap and trade allows market forces to find the lowest cost solutions for the desired level of environmental protection.

Additionally, according to the Government's own Energy Information Agency, under this legislation the U.S. gross domestic product will continue to grow. In 2003, the EIA finds that the GDP would be just 3 percent lower than under a ''business as usual'' scenario.

At the same time, the largest proportion of revenues—hundreds of billions of dollars that this legislation will generate through the transaction of carbon credits—will be designated to develop and deploy technologies to transform existing energy sectors and to create entirely new green industries such as solar, wind, renewable industries, cellulosic biofuels, hybrid, plug-in cars, as I mentioned previously, as well as high-paying jobs and to wean us off carbon dioxide-polluting fossil fuels.

As we look to the future, we must also be reminded that reducing our carbon emissions means reducing our use of oil. When we spend more than $500 billion purchasing imported oil, helping to finance the radical ambitions of radical leaders, do we really want to say we are unable to summon the innovative can-do spirit on which this country was built to break our dependence on fossil fuel and foreign oil? This

legislation is a monumental step forward in severing that bond and advancing our energy security and our national security, and we must not wait a moment longer.

Mr. President, I would prefer that the Substitute bill contain measures to update the means by which the U.S. prioritizes its scientific research . . . reports this research to stakeholders and Congress to assist in decision-making . . . and transmits this information to planners who must establish mitigation and adaptation plans at local, state, and regional levels. The Global Change Research Improvement Act I have introduced with Senator KERRY that has already passed out of the Commerce Committee addresses this issue and should be considered in the context of this bill.

Moreover, Senator KERRY and I have an amendment requiring the National Academy of Sciences to advise Congress to act if future scientific research demonstrates that changes must be considered to meet percentage emissions reductions goals.

Ultimately, however, there should be no misunderstanding—thissubstitute bill represents the defining opportunity of this 110th Congress for reversing the unmitigated damage that climate change continues to cause, and to assist every State in its ability to adapt. And if the UnitedStates is to meet its commitments made under the Bali Roadmap to reach an international agreement among all countries for greenhouse gas emissions reductions for common but differentiated obligations by December of 2009, we should also say ''yes'' to the amendment Senator BIDEN will offer to set us on the right course for this process. This week and next, over 2,000 U.N. delegates from around the world are meeting in Bonn, Germany, to take the next steps forward for the Bali Roadmap—and what we do right here and right now is enormously critical in their planning for moving forward.

Let us not allow this opportunity to slip out of our grasp—the world is watching and waiting to see what the world's richest country—and its biggest emitter—has the fortitude to do.

Mr. President, I yield the floor.

Mr. INHOFE. Mr. President, I am going to just take a second on the rebuttal time, and then I am going to go ahead and yield to the Senator from New Hampshire. But my distinguished colleague, the junior Senator from California, several times talked about tax relief. I think it is time that we take this out, look at it, and put this issue to sleep.

At a press conference on June 2, the distinguished Senator said:

> Today is the day to say yes to clean energy, yes to green jobs, yes to science, yes to energy independence, yes to tax relief.

Later on in the same news conference:

> We also have in this bill a very large piece, almost $1 trillion of tax relief so that when we do see some energy increases in energy costs in the early years, electricity, for example, we can offset that.

In other words, send that back to those people as tax relief.

This bill has one of the largest tax cuts we have seen around this place in a long time. What does the bill say about this? It says the tax relief in the bill is a nonbinding sense of the Senate that says some funds ''should be'' used to protect consumers from the coming ''increases in energy and other costs.'' Here is the quote:

> It is the sense of the Senate that funds deposited in the Climate Change Consumer Assistance Fund under section 583 should be used to fund a tax initiative to protect consumers, especially consumers in greatest need, from increases in energy and other costs.

Now, I only say here that this does not direct any money to be paid. It doesn't authorize any money to be paid. Besides, if it did, it would have to go to the Finance Committee. So there is no tax relief in the bill.

I yield 10 minutes to the Senator from New Hampshire.

The PRESIDING OFFICER (Mr. PRYOR). Is the Senator from New Hampshire taking the time of the Senator from Tennessee?

Mr. INHOFE. Yes.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, I thank the Senator from Oklahoma for his courtesy in finding a spot for me to speak.

This is obviously a bill of immense proportions and implications for us as a nation, for our economy, for consumers, for our place in the world, and for how we deal with the passing on of the quality of life that we have to our children so they can live in an environment that will sustain them and be sure that we do not overly pollute our world or atmosphere.

I think the Senator from California needs to be congratulated for moving the initiative forward. It is my opinion that this is a debate that needs to be pursued aggressively. I respect all the different parties' views on this. There has been an excellent discussion of how to proceed in this area.

In the past, I have strongly supported initiatives that are similar to this effort, in the sense that they tried to reduce the amount of pollutants we put into our atmosphere through a variety of different means. The Lieberman-McCain bill and the Carper-Alexander bill, both of which I have supported, had attempted to do this also.

This bill, however, is much more comprehensive, much more extensive, and the implications are far greater to our economy and to our quality of life in the United States.

It is safe to say that were this bill to become law in its present form, it would impact our future as much as anything that we could do—after addressing the issue of defeating global terrorism as they attempt to try to destroy our culture—and making sure we are fiscally solvent as a result of the cost of programs we already have on the books, such as entitlements. So it is a tremendous issue and deserves serious and thoughtful consideration, which it is getting so far in this debate.

I respect both sides of the argument. I find myself, on this issue, in a variety of different camps because I am attracted to parts of the bill, and I find parts of the bill to be very difficult. I am not going to get into all the different elements. I am concerned about the effect on our competitiveness internationally. I am concerned that if we put limitations on our economy in place, economies such as India and China, which will not be subject to these limitations, will simply pursue courses that will end up polluting at a rate that overwhelms whatever we save and that, as a practical matter, we may significantly undermine our competitiveness.

I am concerned about how this cap-and-trade issue is going to work. I am concerned that NO_X and carbon are not addressed. I am concerned that we are looking at an issue of how the science is not up to speed with the requirements being put on the industries that must reduce their pollution, or NO_X itself. There is a legitimate question of whether we are putting the cart before the horse relative to the science of the capacity to deliver these savings. For example, in the area of savings and the reduction of pollutants, I believe strongly that we need to pursue a much more aggressive policy in the area of nuclear. But the question of whether we can bring on line the nuclear generating capacity necessary to meet the requirements of this bill is very much an issue and very much in doubt, simply because of our permitting procedure in this country, coupled with the fact that the industrial complex in this country doesn't have the capacity to produce the nuclear plants in the timeframe necessary in order to comply with what would be the reduction necessary in this bill. Those are some of my concerns.

Again, I come back to the fact that I think the concept of cap and trade, as proposed in the bill, is a path we need to seriously consider going down. However, on a parallel path, I have a very severe concern, serious concern, and that is that this bill, under its present structure, is going to generate value of approximately $6.7 trillion over its life. Over the next 10 years, it is estimated that the sale of these allowances will approximately be a billion dollars. Most of this will come into the Federal Treasury—not all of it—and then under this bill it gets spent, for the most part. There is $800 million set aside, theoretically, but it is done by a sense of the Senate, as was noted. The vast majority of the money gets spent by creating new programmatic activity and expanding the size of the Federal Government.

Now, this $6.7 trillion is costs that will be passed on to the American consumer in the form of increased electrical bills. I think the American consumer is willing to pay a higher price for electricity if they feel they are significantly and positively impacting the reduction of the emission of greenhouse gases that are affecting our climate. I am willing to vote for putting that type of cost into place. But what I am not willing to vote for is taking that money and using it to radically expand the size of the Federal Government.

If you look at the proposals in the bill, it essentially becomes the most massive exercise at earmarking we have ever seen. It dwarfs the farm bill, which is hard to do, when it comes to earmarks. As a very practical matter, that is not fair to working Americans. Working Americans, under this bill, are going to be hit with a new consumption tax. That is what this bill does. It creates a massive new consumption tax, called allowances, which get sold, but the price of paying for those allowances will go back into the rate base and will raise the cost of electricity and will be a consumption tax.

Americans, working at their jobs and trying to make ends meet, trying to take care of their families, are going to see their energy bills go up because they will get hit with this new consumption tax. I believe very fervently that if we are going to go down this road of creating this massive new consumption tax, the purpose of which is to promote the reduction of greenhouse gases, which will reduce our negative impact on the global climate, we need, at the same time, to reduce for working Americans the burden of their taxation in other places. This should be a one-for-one trade, very simply. If we are going to say to working Americans that we are going to increase your consumption tax by $6.7 trillion, or if you take out the money that is under here and represented as a sense-of-the-Senate tax reduction, it will be around $4-plus trillion—if you are going to have that type of major tax impact and essentially shift the economy to a national consumption tax—and many States have those consumption taxes, but there is no national one. If you are to shift to a national consumption tax, then you need to take those dollars and reduce the burden on working Americans, one for one, so you mitigate the impact on their quality of life, on their ability to be productive citizens, and on their ability to pursue a lifestyle they can afford.

There are a variety of ways to do this. You can reduce income taxes. You can take the consumption tax, which is going to flow into the Treasury, and move it to the reduction of income tax rates or you can take the consumption tax, which is going to fall under the Federal Treasury through these allowances, and you can use it to reduce the FICA tax, the Social Security tax, which is an across-the-board tax that all Americans pay or you can take the consumption tax, which is going to be generated by this bill, and you can use it under some sort of rebate proposal such as that which has been proposed by the Senator from Tennessee, where people making less than $150,000 would get a rebate reflecting the amount of money coming into the Treasury under the allowances.

Have I used 10 minutes?

The PRESIDING OFFICER. Yes.

Mr. GREGG. Mr. President, I ask unanimous consent for another 5 minutes.

Mrs. BOXER. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. GREGG. Then, Mr. President, I ask unanimous consent for 2 more minutes.

Mr. WARNER. Mr. President, I will yield my good friend a minute or two off my time. Several Senators, including myself, are waiting to talk. I yield him 2 minutes.

The PRESIDING OFFICER. The Senator is recognized for 2 more minutes.

Mr. GREGG. I thank the Senator.

Mr. President, what we should not do with this major new consumption tax is use it to expand the size of the Federal Government, to put in place a series of initiatives that are essentially being used for the purpose of building constituencies that will support this bill. That is the way legislation passes here, but it is wrong—wrong when we did it in agriculture and especially wrong when we do it in the energy production area.

American consumers should not be hit with this tax and have no tax cut or rebate coming to them on the other side of the ledger to try to mitigate the impact of this consumption tax.

I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, I know there is rebuttal time now. I intend only to speak for a short period of time.

Mr. WARNER. Mr. President, I was going to answer the Senator's questions.

Mrs. BOXER. I will yield 3 minutes of the rebuttal time to Senator WARNER.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I was interested in the comments the Senator made. What the Senator has described—tomorrow, I will have a better pie chart for colleagues to look at. The money that comes in through the bill is to be distributed primarily to companies, entities developing new technology as to how to solve the very question the Senator raises; namely, will technology be available for the sequestration? So it is not as if it is going to be distributed similar to leaflets and dropped all over. This money is going for the purpose of trying to improve America's sources of energy.

Mr. GREGG. According to the earmark list I have, $191 billion goes to worker training, $171 billion goes to mass transit projects, $237 billion goes to natural resource and wildlife adaptation, $288 billion goes to Federal programs of natural resources, $342 billion goes to international climate change, $300 billion goes to agriculture and forestry, and $368 billion goes to reforestation. Under these numbers, only $136 billion out of the trillions of dollars goes to energy efficiency block grants, and that is for local governments.

Mr. WARNER. I say to my good friend, give me until tomorrow. He reads off correctly some of the allocations, but each of them has some benefit to the problem of the CO_2 and global climate change; each one is carefully thought through. So tomorrow I will be able to give this to you in greater detail, once we get before us the actual amendment or the bill that we are going to hopefully continue to debate with the amendment process.

The second question the Senator asked about was the nuclear program. There is nothing in any of the bills that have been put into the record thus far, but I have the amendment here to initiate a very significant program to address what the distinguished Senator said is the need for nuclear power to begin to expand, using the current base, which, as he well knows, and I know, has been reduced in the last 12 to 14 years to where it is hardly in existence, either manufacturing or educational. But I have that handled.

Lastly, I hope the Senator will spend a little time on a provision I have in this bill by which the President of the United States is given authority to at any time correct inequities or problems he thinks are incorrect.

The PRESIDING OFFICER. The Senator has used 3 minutes.

Mr. WARNER. Have I not 17 minutes also?

The PRESIDING OFFICER. The Senator from California has reserved 2 minutes of her rebuttal time.

Mr. WARNER. I can finish my 17 minutes and yield it back for the benefit of other colleagues because I have had my fair share talking about this bill.

Mrs. BOXER. Mr. President, before my friend leaves the floor, I thank him for a meeting in his office where he gave me this great idea. As a result of that meeting, I say to Senator GREGG, we took another look at the bill. Half of the bill is going back to consumers. Actually, a third of that—there are three pies: $800 billion goes into a tax cut. Senator INHOFE said it is not specific. We did it as far as we could. We know it is a fund for tax cuts. There is $900 billion for a deficit reduction trust fund, and $900 billion goes into a fund so that utilities can help our consumers. I thank him for that contribution.

When my friend came before the committee, I was so hopeful he would join with us because Senator GREGG made a beautiful statement. He said:

States alone can't solve the problem. I believe Congress must take action to limit the

emissions of greenhouse gases from a variety of sources.

He talked about mandatory limits on greenhouse gases. I honestly thought this bill we worked on would be something my friend could support.

I will say, to talk about a consumption tax, you can make up anything and call it what you will. There is no consumption tax in this bill. This bill is modeled on the acid rain bill. The acid rain bill works the same way—cap and trade. No one ever called that a consumption tax.

Mr. WARNER. Mr. President, if I may return to my allocation of 17 minutes.

The PRESIDING OFFICER. The Senator from Virginia has 15 minutes.

Mr. WARNER. I also say to my friend from New Hampshire, I call to his attention section 434, in which Congress has oversight on the use of these funds. Congress can change them.

Mr. GREGG. That is what I worry about.

Mr. WARNER. Mr. President, I recognize he has a point there.

This situation, where I devised a provision to give the President the authority, in my view—in earlier days, I was in aviation. Unfortunately, I never fully succeeded to become an aviator. We used to have a stick in the old days, before all this other stuff, when we had tandem seats—believe it or not, I flew in those old planes—you pull the stick forward, pull it back, roll it. The President has the stick, and he can change this if this bill is wrong. But we have to get this train out of the station and start it rolling down the rails.

Fifty States are trying to devise their own framework of laws now. That has to be a nightmare to industry and particularly the power companies that have to serve a multiple of States.

We simply have to show the world this country can lead, and no one is a stronger leader than the Senator from New Hampshire in this body. He understands that.

Mr. GREGG. Mr. President, if the Senator will yield for a brief intercession.

Mr. WARNER. Go ahead.

Mr. GREGG. I agree. In fact, the Senator from California clearly states my position, which is I support initiatives in this area. I support mandatory initiatives in this area. What I am concerned about is that these allowances—which really are a consumption tax, in my opinion—will essentially be used to greatly expand the Government. If we were to take that section out of the bill and just basically take those dollars and give them back to the taxpayers without having this huge section which essentially creates huge new initiatives in all sorts of different areas, I think you would have a very workable bill.

Mr. WARNER. I say to my good friend, where do we get the money to perfect sequestration? That troubles me the most. I do not think science has proven that we can actually capture the CO_2, cost effectively transfer it, and put it safely into some type of repository, an old gas well.

Mr. GREGG. If the Senator will yield further, Mr. President.

Mr. WARNER. Yes.

Mr. GREGG. If we are going to limit dollars spent to technology advancement, I guess I could be receptive to that, some percentage. But the vast majority of the dollars—that is not going to take that many dollars compared to the money we are dealing with here, $6.7 trillion. If you want to take some percentage of that and use it for expansion of technology purely on the technology side, that may make sense. This bill goes way beyond that. It has all sorts of initiatives in here which are only at the margin of the issue of technology, in my opinion. Where the dollars really should go is to reduce the tax burden for the people who are going to have the higher energy prices.

Mr. WARNER. Mr. President, I simply say to my good friend, we have a difference of opinion.

I will conclude my remarks. I congratulate the managers of this bill, the distinguished Senator from California and the distinguished Senator from Oklahoma. I have been here a few years. I know about managing bills. I have had that privilege many times. But it has been done fairly, equitably, and in a civil way on a highly controversial subject. May it remain for the balance of the time that this institution, I hope, votes for this bill and comes up with some solution to the problem. We simply cannot do nothing.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I ask unanimous consent that my 5-minute rebuttal time I would normally use be added to my statement after the conclusion of the remarks of the Senator from Idaho since he has time allocated now.

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

The Senator from Idaho.

Mr. CRAIG. Mr. President, I thank the managers of the bill, the chairman of the Environment and Public Works Committee for the debate that has gone on.

The chairman was opining a few moments ago that the debate today had been focused on gas and high gas prices and that somehow her bill was going to push gas prices even higher. That may happen. I don't know that. What I do know today is that the American consumer is fed up with $4 gas, and anything we do that would even risk pushing gas prices higher ought to make the American consumer mighty unhappy.

So I say to the chairman tonight, I am not going to talk gas prices, I am going to talk something different because I was convinced, based on my time on the Environment and Public Works Committee and having crafted a bill that got hearings, got a markup, and was ready to come to the floor when the chairman's staff took it, turned it inside out, and brought it back to the floor in an unheard document, I was convinced then gas prices were going to go up, and I think my colleagues this afternoon who have spoken openly in opposition to this bill have strongly made the case that the American consumer is going to pay mightily for this bill that is before us if, in fact, it becomes law.

So I am a bit puzzled when I hear the title of ''Climate Security Act.'' I am confident that this might protect the environment, but what does it do for people? What does it do for the consumer who is going to be put through a financial wringer, not only with their home heating bill but continually at the gas pump, if the chairman of the Environment and Public Works Committee, Senator BOXER, has her way?

Why don't we call this bill the China-India Economic Stimulus Act of 2008, because clearly those countries that are rapidly becoming the largest emitters of greenhouse gas are going to be allowed to run free in the world economy while we put the clamps on our economy. That is a reality we all know and to which the American consumer has already reacted. Fewer jobs in our country, more jobs in China—does that make economic sense at a time when our economy is struggling? We are just going to stick another hole in our economy and send those jobs to India or China? Or maybe we could call this the U.S. Recessions Act of 2008.

I have said it, I believe it, I have been in this Congress 28 years, and I have never seen a piece of legislation to equal this one. It is the largest single redistribution of wealth in our country ever tried by the human mind through the public policy process. To me, that is frightening—frightening for my grandchildren and their future, frightening for the Idaho economy, frightening for the U.S. economy. And what are we going to do about it? We are going to stand here and say: But it saves the world. I am not going to argue that the world isn't worth saving because I want to spend a few more years in it, but I want to make darn sure the world in which I live and my children live is a world that is at least as good as the one we have today from the standpoint of the environment and from the standpoint of the economy and the economic opportunities that come from that economy for my children and my grandchildren.

Is this micromanagement as I describe it? We just heard the Senator from New Hampshire begin to worry about $100 billion here, $100 billion there, and $100 billion over here, and the Senator from Virginia says: Well, we have to have some money. Yes, we do, but we are talking trillions of dollars. That is $6.7 trillion. And last I calculated it, that is a lot of money and it is going to be taken from the pockets of the American consumer,

passed through Government, and handed out in a variety of ways yet to be determined by the bureaucracy.

OK, that is all I am going to say about the economy of this bill.

When we were marking up another bill that never made it to the floor, I wanted to talk about substantive efforts, such as sequestration and revitalizing the American landscape in a way where we truly could take carbon out of the atmosphere and put it into plants and put it in roots and put it in tree stumps and tree stems in a way that was true, vital, positive environmental sequestration of carbon. I was told: No, you couldn't do that. Oh, no, no. The chairman of the Environment and Public Works Committee said: No, you can't do that; we won't allow that kind of amendment. We are not going to have forestry in this bill. You bring your amendments to the floor, Senator CRAIG. And that was the way the bill was crafted.

All of a sudden, we get to the floor, and guess what is in the bill: a 10-percent carbon credit for companies that invest in foreign forests—not U.S. forests, not the Payette National Forest in Idaho or the San Bernardino National Forest in California where 60 percent of it is dead and dying. No, we can't do that. It has to go to the Brazilian rain forest.

I am not going to debate rain forest politics tonight, but I will tell you that if we are going to tax the American people to improve the forested landscape of America, then by darn we ought to invest it in our landscape and not in Brazil's landscape or China's landscape. But that is what this bill does.

With that in mind, let me talk about forestry and forestry sequestration and what happens when you have a young, vital, growing forest across America and its ability to pull carbon down out of the atmosphere and store it in tree trunks, not just for a year or two or three but hundreds of years. It is the single greatest form of sequestering carbon from the environment that man ever thought about because Mother Nature was well ahead of the game before we came along and began to mess up the environment. Yet this bill does nothing about it.

The reason I get a little excited about this idea is because of, in the year 2000, in Belgium, a climate change conference. It was the last year of the Clinton administration, and they were trying to give away our forest credits to the world to try to convince them we believed in Kyoto. I stayed up 24 hours straight to stop them from giving away our ability to use our forest to sequester carbon out of the atmosphere into foliage and trees. I won and they lost. Now the world has changed and we can measure the reality of forest sequestration and we are not allowed to do it in a comprehensive way? That is where we are in this debate.

Fast forward with me, if you will, to where we are in the health of America's forests today. We have over 180 million acres of dead and dying forest in our country. They are no longer pulling carbon out of the atmosphere and bringing it down, they are doing what a tree does when it dies—they are releasing it back into the atmosphere.

We have unprecedented rates of forest burn in America today that we haven't seen in 60 to 70 years. That is what is happening in American forests—last year, 9.2 million acres, 2 million of it right in my home State of Idaho. The beautiful, clear, blue skies of Idaho were full of smoke all summer. Why? Because of a forest management and policy that is now simply allowing that to happen and because of a forest whose health is in such a state of dying, decaying, bug-killed trees, our great forests are now beginning to release carbon into the atmosphere at a higher rate.

This year alone, you would say: Well, Senator, we are not in the forest fire season in the West. No, we are not. But since January 1 through May 30, we have already burned 1.49 million acres of forested lands across our Nation. We have seen them burning in Florida and other places. What are they doing? They are releasing carbon into the atmosphere.

The reason I bring this chart along tonight is because it tells the story of the tragedy of the American forest. See this line? This is a result of a history of our forests as they evolve and they grow and they live and they die. We went through a period in the late 1920s and early 1930s of climate change, where we weren't hustling around trying to change the world but Mother Nature was changing, and we had a dust bowl era and we began to learn about El Nino and La Nina and Pacific decibel oscillation and all the changes going on in our environment that created a tragedy in our forests as they grew dry. And we began to see phenomenal fire burns in the late 1800s through the early 1900s, up until about 1920, when our Forest Service decided to change policy and go after fires. Now, remember, fires are burning, releasing carbon into the atmosphere at a tonnage rate unprecedented, at least in man's history.

Why did it plummet and why did forests become a sequesterer of carbon again instead of a releaser of carbon? Because we established a policy called 10 a.m. That is right, 10 a.m. in the morning. The U.S. Forest Service said that a fire that started the day before, we are going to have it out by 10 a.m. the next morning. And so we put phenomenal resources into putting out fires.

After World War II, when all the young men came home who had been jumping out of airplanes in Europe, they became smoke jumpers and dropped down on small fires and put them out. And the era of the smoke jumper in the U.S. Forest Service was born.

And what happened? It is right here on the chart. Forest fires plummeted, down to a period in 1945 on—1950s, 1960s—in which we simply weren't burning. We were putting out fires. And our forests became a net sequesterer of carbon.

Mr. REID. Mr. President, could I ask my friend to allow me to take the floor for a unanimous consent request.

Mr. CRAIG. I would be happy to yield to the leader.

Mr. REID. I apologize because you were really getting wound up.

Mr. CRAIG. I will not lose my momentum. I will keep it right here, Mr. Leader.

Mr. REID. We have been trying to get this done, and I have just spoken to the Republican leader. I have spoken to Chairman JUDD GREGG and Chairman KENT CONRAD, so we are ready to do a unanimous consent request regarding the budget.

UNANIMOUS CONSENT REQUEST—S. CON. RES. 70

Mr. REID. Mr. President, I ask unanimous consent that the previous order with respect to the conference report to accompany S. Con. Res. 70 be modified to provide that the Senate may utilize the available debate time, notwithstanding the absence of the official papers on the conference report filed in the House on May 20, 2008, and printed in the CONGRESSIONAL RECORD beginning on page H4217, and the Senate being in possession of the Senate official copy of the conference report; and that the Senate proceed to utilize the debate time on Wednesday, June 4—that is tomorrow—at 11:30 a.m., following a period of morning business, and upon the use of the time specified in the previous order, the Senate proceed to vote on adoption of the conference report at 11:45 a.m.; provided further that if the Senate fails to receive a message that the House has adopted the conference report by Tuesday, June 17, the Senate adoption of the conference report be vitiated; further, that if the vote is vitiated, then the previous order modified by this request remain in effect.

Further, Mr. President, I will say that we will firmly adhere to the 11:30 a.m. tomorrow morning, and 11:45 a.m., no matter what happens in morning business or extensions of time.

I ask unanimous consent that this be approved. As I have said, I have just spoken to the majority leader and Mr. Schiappa, and this has all been cleared.

The PRESIDING OFFICER. Is there objection?

Mr. REID. I said the majority leader, but I meant the Republican leader, although I do talk to myself on occasion.

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

The Senator from Idaho.

Mr. CRAIG. Mr. President, while the Senate majority leader is still on the floor, I want to talk about a fire that happened in his State just a few years ago because I was directly involved with that Senator in recognizing the dead and dying conditions of the Tahoe

Basin in both Nevada and California. He came to the committee—the committee that I chaired at the time—and said: We have to fix this problem; a lot of people live in that area. And we did. We sent money out to the U.S. Forest Service to get in and change the character of that dead and dying forest. But the courts and the environmental groups would not allow it to happen. Lawsuit after lawsuit stopped it. And a year ago, the Tahoe Basin burned—3,100 acres, 250 homes, and what is more important, or as important, 140,000 tons of carbon released into the atmosphere.

Do you know the second largest releaser of carbon into the atmosphere, after coal-fired utilities? Forest fires. The second largest releaser of carbon into the atmosphere. Yet this bill does nothing about it except give money to Brazil to save the rain forest because it is a popular environmental issue. That is what this bill is about, the politics of the environment, not the reality of the circumstance in which we all live, in which the Senator from California nearly saw the entire San Bernardino forest wiped out and a Governor of her State who had to declare a state of emergency and go in and try to stop it from burning.

So if you are going to create a new world, a greener world, a cleaner world, one that has less carbon in it, you have to have a forest policy—a forest policy—that begins to revitalize our forests, to thin them, to clean them, to change the kind of ecosystem in them that doesn't tolerate 180 million acres of dead and dying trees that will release hundreds of millions of tons of carbon into the environment.

So what do we do? Six tons of CO_2 is released every time an acre burns. Six tons. Up to 100 tons of CO_2 can be released per acre, depending on the number of trees within that acreage—300, 400, 500. So that is a reality. Last year, in the 9.2 to 9.4 million acres that burned, we released the carbon equivalent emissions of 12 million passenger automobiles running for 1 year, or the entire passenger automobile fleet of the State of California, or somewhere close to that. Yet this bill doesn't address forestry? It doesn't address forest health? It doesn't address the kinds of things that we ought to be doing in an active management system to revitalize our forests? No, it doesn't. It is not environmentally popular to do. Environmentalists have spent the last 20 years shutting down our forests.

So tomorrow I will bring a comprehensive amendment to the floor to attempt to add to this bill, to get us back into the business of forest management, healthy forests, revitalizing our forests, and, hopefully, over time changing the ecosystem of our forests in a way that we don't burn 10 million acres a year and release hundreds of thousands of tons of carbon into the atmosphere. And this can be done at very little cost. You don't have to have a cap-and-trade scheme that pours trillions of dollars into it.

That is what we will talk about tomorrow. Gas is today. Let's talk about trees tomorrow, one of the greatest storers of carbon, one of the greatest sequesterers of carbon in the world today.

I yield the floor.

Mrs. BOXER. Mr. President, I will just take a couple of minutes of rebuttal time. Of course, one of the purposes of our bill, in fighting global warming, is to save our environment. That is the whole point of the bill, and part of our precious environment certainly includes our forests. We actually do have a forest title in the bill. So I am looking forward to seeing my friend's amendment. I hope it works well with our bill.

We know, as the climate warms, our trees are now open to all kinds of pests that didn't really thrive in a cooler climate. If you look, for example, in Alaska—and, of course, we have this in California too—the bark beetle is thriving now because of warmer temperatures. So I certainly look forward to working with my friend on forests.

I am looking at the Presiding Officer sitting there now, and he and I are working on saving the rain forest. And I say to Senator CRAIG, he is absolutely right about the forests being a carbon sink, and that is why Senator PRYOR and others are working very hard to save the rain forest. This is all part of what we do in this bill. So it is a little shocking for me to hear a colleague stand and say this bill doesn't do anything about forests, when the main purpose of this bill is to preserve and protect God's planet, and that includes our beautiful forests.

The Senator is right. I have been to those fires as they were raging and I have talked to those people and we have to do everything we can to be smart about protecting our lands.

I also want to address Senator CRAIG's point about India and China. He jokingly, I guess, said you should call it—I think he said the China-India——

Mr. CRAIG. Economic Stimulus Act.

Mrs. BOXER.—Economic stimulus blah blah. Ridiculous. Because the bottom line is, when anyone stands up and says India and China, it is because they do not want to do anything about global warming. They are code words. These are turned into code words, and what I want to say is, how far have we fallen as a nation when we sit back and wait for India and China to lead us on an issue as important as this? This is our turn.

I mean, we are going to hear in a minute from Senator SANDERS, who is going to come at this and say this bill doesn't do nearly enough. Unfortunately, Senator SANDERS, we have people here who think this bill does way too much, and they are fighting us every step of the way, which is very difficult for those of us who believe this is our challenge, this is our time, these are our grandchildren we have to protect, and this is our planet we have to protect.

So I want you to listen for a few key words in this debate. We will hear them more—India, China. When somebody says that, say: Senator, are you suggesting that America not lead and we turn over our leadership to those countries? That is wrong. America doesn't cower in the corner waiting for other nations to take on the great issues of the day. It is ridiculous. That is why our States, our Governors, our mayors, our conference of mayors support this bill. They are moving while the National Government is stuck in neutral.

Finally, we are moving. We are moving forward. We don't know how far we will get, but we are going to take this bill as far as we can. So keep your ear out for the words ''India'' and ''China,'' and ''gas price increases,'' which really is ironic since my friends on the other side of the aisle have done nothing but vote against us when we tried to push back against those super high prices—a 250-percent increase since George Bush came into office, and all he could do was go beg for oil from the Saudi prince. It is a pretty sad state of affairs.

So now I am done with my rebuttal, and I know Senator SANDERS has been waiting and I look forward to his remarks.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, in the rebuttal scheme, is there an effort to make comments back? No?

All right. I thank the chairman. And let's add one more word—''forestry sequestration.'' That is another new buzzword added tonight.

Mrs. BOXER. Well, since my colleague said that, we have $1 billion in the bill for forestry every year, so we will show it to the Senator.

The PRESIDING OFFICER. The Senator from Vermont.

The PRESIDING OFFICER (Mr. BROWN). The Senator from Vermont is recognized.

Mr. SANDERS. Mr. President, before I begin my remarks on this global warming legislation, I did want to say one word about gas prices, which are impacting my State of Vermont very heavily because workers in Vermont have to travel long distances to work, and the weather gets very cold and we spend a lot of money on home heating oil.

What I say to my Republican friends is I am glad to hear they are concerned about these soaring oil and gas prices. In the coming days we are going to give them an opportunity to stand up to the big oil companies who are enjoying record-breaking profits as they rip off the American people. We are going to give our Republican colleagues the opportunity to stand up to the speculators who many experts believe are driving up the price of oil by 25 to 50 percent. And we are going to give them the opportunity to join with us to stand up to those people who are causing oil prices to be so high and are causing so many problems all over this

country as a result. We look forward to working with them on that issue.

As a member of the Environment and Public Works Committee and of the Energy and Natural Resources Committee, I want to say a few words in congratulating Senator BOXER, Senator LIEBERMAN, and Senator WARNER, and all of those who worked so hard to bring this historic legislation to the floor. This is a very important start in addressing one of the great crises facing our planet. But in my view, and I think in the view of many people in the scientific community, if we are going to respond in a serious way to what the best evidence out there is telling us, this bill must be strengthened in a number of ways.

In the short time I have now, I wish to focus on four simple points. No. 1, what are the most knowledgable scientists in the world telling us about global warming and what will happen if we do not act boldly? No. 2, how can we reverse global warming through an aggressive path of energy efficiency and renewable energy? No. 3, how can transforming our energy system create millions of good-paying jobs here in the United States? And, No. 4, I want to mention some of the amendments I will be offering to strengthen the bill.

Let me begin by mentioning that the International Panel on Climate Change, the IPCC, is made up of more than 2,500 scientific expert reviewers, some 800 contributing authors, and in excess of 450 lead authors representing 130 countries. Collectively, this group, the entire team, was jointly awarded the Nobel Peace Prize last December. Let me very briefly summarize the findings of the IPCC, and let me state very clearly that this, their work, constitutes the overwhelming position of the scientific community. That is why they received the Nobel Peace Prize. This is what they said.

Warming of the climate system is unequivocal. With 90 percent certainty, most of the warming in the past 50 years is due to human activity. Carbon dioxide levels in the atmosphere are higher than they have been in over the last 650,000 years. Eleven of the twelve years between 1995 and 2006 rank among the 12 warmest years since we have been keeping records—meaning since 1850. Without a major change, by 2100, temperatures will likely increase between 3 and 7 degrees Fahrenheit. Further, with 90 percent certainty scientists expect that hot extremes, heat waves, and heavy precipitation events will continue to become more frequent, and the higher the temperatures become, the worse the effects of global warming will become. That is what the scientific community is telling us. There is not a lot of debate within the scientific community on these issues.

But what does unchecked global warming actually mean for ordinary people, who are not Nobel Prize-winning scientists? It means there will be a significant increase in human misery and death for our children, our grandchildren, and future generations as we see a significant increase in drought, in flooding, in severe weather disturbances, in wars and political unrest as nations fight for limited resources. There will be an increase in all kinds of disease. There will be an increase in malnutrition and starvation because of the loss of arable cropland and water. Those are some of the realities that will be seen in coming generations.

Let me be even more specific about what the future will bring if we do not reduce global warming in a significant way. Many of our friends say: Oh, there are problems here, look at all the problems. Yes, there are problems, but think about the problems that will take place if we do not act. In this sense we have to not be selfish because we are talking about our kids, our grandchildren, and the future of this planet. This is what we will be seeing in the not too distant future.

In the western United States, there will be a major crisis in terms of finding drinking water. There are great discussions taking place right now in California. While we have already seen major problems in terms of forest fires in recent years—and my colleague from Idaho was on the floor talking about forest fires—he ''ain't seen nothing yet,'' if this planet continues to warm.

Furthermore, we will see heat waves, which will become more frequent, which will cause terrible health impacts, especially for the elderly.

In Africa, by 2020, fresh water sources for between 75 and 250 million people will be stressed. In Asia, fresh water availability will be decreased, potentially adversely affecting more than 1 billion people by the year 2050.

In Latin America, by mid-century, tropical forests will be replaced by savanna, causing a significant loss of biodiversity and water availability.

Finally, in the polar regions, the loss of ice in glaciers and ice sheets and changes in snow conditions will negatively affect wildlife and arctic communities. From this, sea level could rise up to 23 feet, with the complete melting of the Greenland ice sheet, which would take many centuries but would ultimately occur due to man-made emissions.

When people say: My goodness, resolving global warming is a problem—yes. But compared to what?

Let us also be very clear that the horrific problems we are talking about for the future have already begun today. This is not saying, gee, it is all going to happen tomorrow. It is happening today, right now. Yesterday, one example of a million, the New York Times reported that large parts of Spain are turning into deserts and conflicts over water are increasing, in part because of global warming. A long-term drought in Australia, which many believe is related to global warming, has significantly reduced their food production, which some experts believe is one of the reasons international food prices are rising. That is today, not 10 years from now.

The evidence is overwhelming. We are looking at one of the great crises facing our planet, as great as we have ever faced. If we do not act effectively, the results will be catastrophic. When people say it will be difficult to address the issues of global warming, they are right. It is not going to be easy. But it will be 100 times more difficult to address the disasters that will come if we do not act now. All over the world people of all political persuasions, of all religious persuasions, understand that simple reality. If you do not act now, it is not going away, it is only going to get worse.

What the leading scientists are telling us is that not only is the situation dire, it is worse than they had predicted only a few years ago. I am a member of the Committee on Environment and Public Works. That is what these people do. They come and say: Yes, we told you the situation was bad. We were wrong. It is worse than we had told you only a few years ago.

What the scientific community is now telling us, and why this particular bill is lacking, is that the United States must reduce its global warming emissions by at least 80 percent by 2050, and some say we should do more than that. Further, through its leadership—we are the most powerful Nation on Earth—through its political strength, its advanced technology, we must do everything we can to work with the international community so that as a planet we go forward together in substantially reducing greenhouse gas emissions. The world is crying out for America's leadership. We must give it.

If we do all of these things, there is still a chance that we may not be successful in keeping the worst from happening. Those are the problems our planet is facing. What should we do to address them? What do we do? Frankly, I happen to believe that not only is the global warming crisis solvable, I happen to believe it is not quite as complicated as many others believe. The truth is that as a result of a lot of excellent scientific and technological work done here in the United States and all over the world, we know what has to be done. We know what has to be done. It is not a mystery.

Frankly, if you compare for a moment the challenge that we face with global warming today compared to the challenge the Congress of 1941 faced when we were attacked at Pearl Harbor, our job is much less difficult than their job was. They had to create armies to fight all over the world. They had to rebuild the civilian economy into a war economy. And they did all of that in a few years—and won, both in Europe and in Asia. That was a problem.

This, frankly, in my view, is less of a problem. What do we have to do? In English? No. 1, we must move aggressively toward energy efficiency in every area of our lives, and the technology is here for us to do it. My own

State of Vermont has been aggressive with regard to energy efficiency and the results are very promising. As a result of strong energy efficiency efforts, my State is using 5.3 percent less energy than it would have without those programs. These efforts have made Vermont the first State in the country to experience negative load growth while the population is increasing. Said another way, the State has actually reduced the amount of electricity it uses while still adding more users and experiencing economic growth. And Vermont has barely scratched the surface in terms of energy efficiency. I have no doubt, for example, that Vermont and the rest of the country can do much better in years to come, especially as new technology such as LED light bulbs are introduced into the economy. These bulbs will consume one-tenth of the electricity of an incandescent bulb. So the potential in terms of energy efficiency is extraordinary.

But the issue is not only with electricity. The issue is also with transportation. Given the dismal situation in terms of efficiency in transportation today, we can't help but make enormous improvements in years to come. Automobiles, including hybrids and hybrid plug-ins, will get at least 50 miles per gallon and it should be commonplace within a few years. Forget about the cars that are getting 15 miles per gallon, we will get 50, 75 miles per gallon and even more. Electric cars will be on the market that will have a range of 200 to 300 miles. You go to work, you go on your trip, you come back, plug it in, and you are off and running the next day.

Today, rural America is sorely lacking in public transportation. In Vermont and all over America, workers have no choice but to drive to work because we don't have the kind of bus system we have to have. Build that bus system. You are going to save an enormous amount of energy.

In terms of our antiquated rail system, think of the potential we have there. Today we are far behind, both in passenger travel and in cargo travel. We are way behind Europe and Japan, other parts of the world. We can and must build a modern transportation system, a rail system. When we do that, we save unbelievable quantities of energy. In other words, what the scientific community has told us over and over again is that the cheapest energy is the energy we don't use. As a Nation we are going to make some progress in this area, but we have a long way to go.

As we contemplate a strategy to reverse global warming, breaking our dependance on foreign oil and stimulating the economy, there is some very good news out there if we are smart enough to hear it, if we are prepared to take on powerful special interests, and if we are prepared to develop the political will to go forward.

Despite the fact that the Federal Government has been very slow in moving in terms of sustainable energy, major breakthroughs are already taking place in our country and around the world in terms of such renewable energies as wind, solar, geothermal, and biomass. If we are smart and prepared to invest in a reasonably short period of time, we can move our country not only away from foreign oil but away from fossil fuel in general, the burning of which is the major cause of global warming. We now have the potential to produce an enormous amount of energy in a cost-effective way through sustainable approaches which not only do not emit greenhouse gases but produce virtually no pollution at all, clean up our environment, as well as cut back on greenhouse gas emissions.

Let me give you a few examples of what I am talking about.

Wind is the fastest growing source of energy in the world and the United States, but we have barely begun to tap its potential. Today, we are producing less than 1 percent of our electricity from wind, but even the Bush administration acknowledges that we can get as much as 20 percent of our electricity from this valuable renewable resource. We should be supporting wind energy not only through the creation of large wind farms in the appropriate areas but through the production of small, inexpensive wind turbines which can be used in homes and farms throughout rural America.

In terms of solar power, the potential is almost unlimited. Right now, as we speak, concentrating solar powerplants are being built and planned in the United States and throughout the world. These plants can produce as much electricity as a small nuclear powerplant. Let me repeat that. Plants are being constructed today which emit virtually no greenhouse gas emissions, which are cost effective, and which can produce almost as much electricity as a nuclear powerplant.

It is estimated that this one solar technology which is beginning to explode in the southwest part of our country—in Nevada, southern California, New Mexico—this one technology can provide as much as 25 percent of our Nation's electricity and maybe even more. It is there. It is happening now. The Federal Government, of course, has been very slow to respond or to help. It is happening even without our help.

To offer another example, building just 80 gigawatts of concentrating solar power capacity—a target that is achievable by 2030—would produce enough electricity to power approximately 25 million homes, while helping to reduce greenhouse gas emissions. This is there now. This is what we can be doing.

Furthermore, the cost of concentrating solar powerplants has already begun to decline as production increases. In fact, concentrating solar power costs are projected to drop to 8 to 10 cents per kilowatt hour when capacity exceeds 3,000 megawatts, according to a 2008 Sandia National Laboratory presentation.

There it is. It is happening. People are talking about all kinds of things, solar concentrating powerplants are taking place right now, increasingly cost effective, and no greenhouse gas emissions.

One of the country's largest utilities, Pacific Gas and Electric, is working with Solel Solar Systems to build and operate a 553-megawatt concentrated solar powerplant in the Mojave Desert which would provide electricity for 400,000 homes. We can build dozens of those plants in the United States of America.

Furthermore, in terms of solar technology, we are not only talking about solar powerplants, we are also talking about photovoltaic. And more and more Americans, in their homes, in their buildings, in public buildings, in businesses, are installing solar photovoltaics, the price of which should also come down significantly as production increases. Photovoltaics on the roofs of only 10 percent of the existing buildings in the United States could meet 70 percent of peak electric demand. Worldwide installations of solar PVs have increased by nearly 50 percent last year. This is an exploding technology in the United States and all over the world. We have to do everything we can to increase and help out and make sure that technology continues to grow.

The bottom line here is, as we move forward in all of these areas, we are going to create millions of good-paying jobs, transforming our energy system away from foreign oil and fossil fuels into energy efficiency and sustainable energy. The potential is extraordinary. This is a great country. We have faced challenges in the past. We can and must accept this challenge now.

The PRESIDING OFFICER. The Senator's time has expired.

The senior Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, first of all, let me comment that these things do not come without a cost. I am putting up some things that will happen in the State of Vermont. But I would also say this: It is so tempting to debate when he talks about the science here because the science is not settled.

But I stated—and I do not think the Senator from Vermont was on the floor when I opened the discussion yesterday, I guess it was—that for the purpose of this bill, so that there will not be Members coming down who do not want to talk about the bill and instead want to talk about the science, I said as far as the bill is concerned, let's assume the science is there so we do not have to put that on the table and use up the time. So that is what we have been doing. I hope we will be able to continue to do that. However, tomorrow, after the locked-in vote on the budget, I believe we are going to be going, hopefully, to some of these

amendments which I think are very significant.

Now, I had by unanimous consent asked to have, I think, locked in 30 minutes. I do not need that much time. I would like to repeat a couple of things.

I understand Senator ENZI is coming back to the floor. One of the things I think he stated earlier when he was speaking was something that somehow people have forgotten; that is, there can be no debate over whether jobs are going to be lost. Jobs have to be lost because we are talking about putting a cap on oil and gas, putting a cap on our energy supply. We are talking about doing what we can to reduce coal. There is no nuclear provision in this bill. So we are going to have a cutback in the ability to run this great machine we call America.

So what happens to manufacturing jobs in the State of Ohio and other States? They go south. Most of them will go probably to China, some down to Mexico. But already we have seen a huge migration of jobs, manufacturing jobs, and the estimate on this bill is that would be increased by 9.5 percent. We have the studies that show we would lose manufacturing jobs by another 9.5 percent over and above all of the manufacturing jobs that are gone.

Now, if you do not agree with these studies, use a little logic. If there is no energy to run these manufacturing jobs, they have to go where the energy is. It has been 30 years since we have had a new coal-fired generating plant in the United States. China is cranking one out every 3 days—every 3 days. And I know it is a mess over there. It is a polluted mess. We spent a lot of time talking about CO_2. But I would state to the chairman of the committee that in China, it is SO_2, CO_2, it is mercury, it is everything else, because they do not really have the restrictions.

So the point Senator ENZI was making was that when these jobs go over there—let's say this bill passes, which it will not, but if it did pass, that it would have the effect of increasing CO_2 in that respect. And it is very simple because it would go, as Senator ENZI said, to these countries where they have no controls. So that is very significant.

The third point I wish to make, because it has been made several times by my very close friend, the junior Senator from California, the chairman of the committee, that somehow the increase in gas has something to do with the Bush administration, when I would only remind you that during the period of time we have had the acceleration of the price of gas at the pump, it has been through the Congress, congressional acts. In fact, if anyone doubts that, they can go to our Web site. The chairman and I, as chairman and ranking member, have a Web site called EPW, Environment and Public Works, epw.senate.gov. When you go in, you will see I have documented the votes of every time we try to increase our capacity of energy, and it goes down on straight party-line votes. I am talking about increasing the exploration in ANWR, offshore, in all of the other areas, addressing the tar sands, trying to do something in expanding into the shale in western Colorado, the Western United States, trying to do something about tax incentives for marginal well production. You know I know about that because we are the largest State for marginal production in the country. That is wells of 15 barrels or fewer a day. So if we had all of the marginal wells producing today that we plugged in the last 10 years, it would amount to more than we are currently importing from Saudi Arabia.

So I have to get on record here to make sure everyone understands. And the documentation is there. Every time we have tried to either get nuclear or tried to do something about clean coal technology or something about oil and gas, to expand our supply of energy in America, it goes down right along party lines. That is the problem we have.

Now, I do have another area I wanted to talk about and maybe try to put it in a different context than it has been in the past, because the bill with all of these ramifications, with the 45 new bureaucracies, with all of the money, with the $6.7 trillion of additional money that is going to come into the system—that has to come from taxpayers, from consumers of energy. That is where it is going to come from.

When this all comes up, it is a shell game. It reminds me of the magician who takes a small object and he puts it under a shell, all under the watchful eyes of the public. Then he starts mixing them up in the shells. The problem is that the magician does such a good job of shuffling the shells around, no one can agree where the prize is, and sometimes the magician simply removes the prize in a slight-of-hand and all of the shells are empty. Well, this bill, the Lieberman-Warner bill, is much like a shell game. They promise everything to everyone.

There is one group—I do not think I will mention their name now—one of the big ag groups in this country has came out, and they were convinced they were going to get all of the credits and they would be able to control these credits and they were going to make all of this money. Now they realize that is not true, so they have taken their support away from this.

But the bill that promises everything to everyone showed the public a pile of money under one shell, and then they lead people to believe everyone is going to get that. The trouble is, there are more losers with the Lieberman-Warner bill than winners. What makes it worse is we are the ones choosing the losers and winners. We try very hard to make everyone think they will be better off under this redistribution of wealth, but, like most schemes, it does not work.

The first major shell game trick is the claim by the sponsors that the bill would generate $6.7 trillion of new revenue. The problem, of course, is that revenue comes from consumers and people in higher energy costs. It is a tax on everyone in this country who uses energy. It is a tax on energy, of course, either consumer products such as food, manufactured goods, or higher prices on anything made of concrete, steel, or chemicals. Now, you can bet that whenever the Government tells you they are going to redistribute money, the money they are distributing is coming from the U.S. taxpayers one way or another.

The next shell game trick is the promise of tax relief. We have heard this. We talk about tax relief. I hope everyone was listening when I read very carefully from the bill that there is no tax relief. They are merely talking about this, what they should do with all of this money after it has been redistributed back to people. But it doesn't say they will do it. It does not authorize it. It does not direct it. In fact, if it did happen, it still has to go to the Finance Committee, and they would have to make those decisions. But they are saying—the sponsors of the bill are promising Americans $800 billion in tax relief over the next 40 years. Now, the trouble is they are taking in $6.7 trillion. If they do redistribute the $800 billion, that is not a very good deal; that is $1 back for every $8 put in. Only in Washington, DC, does that sound like a good return on investment.

Now, how much tax relief will $800 billion provide? Let's break it down. Over 40 years, that is $20 billion a year. While that seems like a lot of money—and it is—this year's tax rebate cost the Government $150 billion. This means that for the U.S. taxpayer to play the Lieberman-Warner shell game, they have to fork over $8 for the chance of getting back $1.

The bill's sponsors also play the same shell game with different industries. They promise them that a small amount of money is hidden under one shell and hope they don't notice how much they will have to pay overall. They promise the auto industry less than $2 billion a year for research and development, when the industry already spends $75 billion a year. They promise $34 billion to help transition oil refineries over the life of the bill, when in the first year alone, 2012, they will have to purchase over $65 billion worth of credits based upon conservative estimates. This is actually written into the bill where you have the credits allocated by industry for the industrial base. Then they say: This is the amount that you get credit, but this is what you are going to have to eventually come up with. That is the difference, that is what they are going to have to pay. In the case of the auto industry, it will be $65 billion worth of credits. They offer fossil fuel-fired powerplants an average of $7 billion a year in assistance, ignoring the fact that in the first year alone they will have to

purchase over $20 billion in allocation credits.

Even worse, the sponsors play the same shell game with workers' jobs. They promise a whole host of new so-called green jobs in exchange for good paying manufacturing jobs. The problem is, the good jobs created under Lieberman-Warner are in developing countries such as China, India, and Mexico. The American worker is left with an empty shell.

Dr. Kenneth Green, with the American Enterprise Institute, stated in testimony before our committee, when I asked him if global warming initiatives create new green jobs:

> The short answer, I would say, is that they might do so, but only at the expense of other jobs that would otherwise have been produced by the free market. Further, I would suggest that the end result would be significantly less jobs on net, less overall economic growth on the net, and most likely, the loss of existing capital as a by-product.

That was in our committee. That was a testimonial from someone who is very knowledgeable. Even the so-called green jobs will be going overseas. Just last month the California-based SunPower Corporation, the second largest solar cell manufacturer in the world, announced it is building its new manufacturing plants in Malaysia. I am sure one of my colleagues might say the financial incentives in the bill for solar power will keep more of these jobs here in the future, but we already subsidize them by $24 dollars per megawatt hour compared to 44 cents for coal and 25 cents for natural gas. How many more subsidies do they think they need to keep the green jobs here?

Another victim of the shell game is the American farmer. They are promised funds for carbon offsets. Yet they aren't told of the increased prices they will be paying for everything from electricity to propane to natural gas to diesel fuel, fertilizer, chemicals, tires, batteries, belts, bearings, farm machinery, spare parts, and everything else they use. That is the reason you have all the farmers groups opposing this, saying: We can't be dealt one more bad hand.

I know my farmers in Oklahoma are having a problem, in addition to a lot of the overregulation they are suffering through. We have something that is probably not very prevalent in the State of California. It is called the burying beetle. It is about that big. That stops farmers from being able to cultivate their fields, and it is a serious problem. Now they look at this and say: Wait a minute. It is going to be even worse in the future.

Farmers have serious problems. In addition, this empty shell promise will come with increased regulations and inspections by the EPA as they set up, monitor, and then annually verify farmers' activities. My farmers always use the phrase, they don't want more bureaucrats crawling all over their farms. It is almost as if the sponsors are playing a shell game in hopes of distracting farmers with new regulatory programs and higher costs.

This is kind of funny. I happened to be chairman at the time, back when the Republicans were the majority, of the Environment and Public Works Committee, when there was an effort to make propane a hazardous material. I remember seeing a bunch of people wearing red coats walking in the back. They were young people. I didn't know who they were. I said: We can document that this will cost the average farmer in my State $700 a year more than they are paying now in excessive regulatory costs. We defeated that. When we defeated it, all these young kids stood and applauded. I didn't know it, but it was the ag youth committee of the State of Oklahoma. There must have been 40 of them there, bright young kids. Of course, every shell game someone comes out ahead. In this case, the magician is the Federal bureaucracy.

The bill creates a host of new Federal programs, boards and funds, all of which will require new regulations, staff and resources. To give you an idea, when people talk about the amount of money, this net amount of money is out there. We talk about the $6.7 trillion. We talk about a period of time that will extend 38 or 40 years out right now and some 45 bureaucracies. I want you to look and see. This is what we would be creating. People who vote for this bill are voting for all these bureaucracies: A Federal greenhouse gas registry, efficient buildings program, a super efficient equipment and appliances development program, a clean medium and heavy duty hybrid fleets program, research on the effect of climate change on drinking water utilities program, the Rocky Mountain center of the study of coal utilization, the Sun grant center for research on compliance with the Clean Air Act, the outreach initiative on revenue enhancement for agricultural producers, the agriculture and forestry emissions distribution program, the carbon market oversight and regulation working group. These are all going to be staffed with people. It is all going to be paid for by the results of this bill, if it should pass, which I am quite sure it will not. The carbon market efficiency board, the climate change technology board, the climate change worker training and assistance fund, the efficiency and renewable energy worker training program, the climate change worker assistance program, the multiagency steering committee, the national climate change advisory committee, the office of climate change adjustment assistance. I have to read these out so people know this monster we are talking about. The workforce training and safety program, the climate change consumer assistance fund, the transportation sector emission reduction fund, energy efficiency and conservation block grant program, tribal climate change assistance fund, State wildlife adoption fund.

People say: What are you going to do? Let's assume that all this stuff is supposed to go back to taxpayers which we have calculated to be something less than—at the very most it would be $2.5 trillion, that that would leave $4.2 trillion. This is where it is going, for all these bureaucracies: The early action program, the efficient manufacturing program, the low and zero carbon electricity technology fund, the carbon capture and sequestration technology fund, the liabilities for closed geological storage sites task force, the climate change transportation technology fund, the cellulosic biofuel program. This is kind of interesting because right now my State is a leader in the cellulosic biofuel programs. It is Oklahoma State University and the Noble Foundation. I would like to see this happen.

I stood on the floor of the Senate—I think this is one of the rare things we agreed with, I say to my good friend, the Senator from California. All these ethanol mandates that we went through, initially all the environmentalists were for these mandates. Now people realize that with the mandates and with the increase in the mandates in the energy bill of 2007 that we passed in December, now it has doubled or tripled the mandates that were already there. What is happening? They produce a dirtier fuel that is less efficient. It is not good for the engine. It takes the life of the engine down. But worst for me in my State of Oklahoma, it is competing with feedstocks. Our feedstocks in Oklahoma have tripled since all this stuff started because they are using this. The cellulosic biofuel program was a result of that because that is something that is not going to be used to compete with.

On with the list: The Bureau of Land Management emergency firefighting program, the Forest Service emergency firefighting program, the Federal wildlife adaptation program, the national wildlife adaptation program, the science advisory board, the climate change and natural resources science center, the international climate change commission, the international reserve allowance program. These are all bureaucracies, you guys. I hope somebody is watching. The capacity building program, the clean development technology deployment fund, the international clean development technology board, the international climate change adaptation and national security program, the interagency climate change task force, and finally, the Climate Security Act administrative fund.

Here we are with all 45 new bureaucracies, programs that are created. I guess we know who the winner is in the Lieberman-Warner shell game: The Federal Government, at the expense of families, workers, and taxpayers who are going to pay for all this fund we will be having.

I don't recall, in the years I have been here, seeing more interest from

more different areas in a piece of legislation. I would like to share some of the things that I thought were of interest. A lot of these are from, I think it was the senior Senator from Ohio, who was talking about one of the medias I will be quoting. I will get to it. I am not sure which one it is.

The Associated Press:

With gasoline at $4 a gallon and home heating and cooling costs soaring, it is getting harder to sell a bill that would transform the country's energy industries and, as critics will argue, cause energy prices to rise even more.

That was from ''Economic Cost Drives Senate Climate Debate.''

The Wall Street Journal:

This is easily the largest income redistribution scheme since the income tax.

The New York Post:

The only thing it will cool is the U.S. economy. In effect, the bill would impose an average of more than $80 billion in new energy taxes every year.

Robert Samuelson in the Washington Post:

Let's call it by its proper name: cap-and-tax.

George Will, a little more intellectual on this one:

Speaking of endless troubles, cap-and-trade comes cloaked in reassuring rhetoric about the government merely creating a market, but government actually would create a scarcity so that government could sell what it had made scarce.

Charles Krauthammer, this is one that was a few days ago. There is another one in this morning. I would invite anyone out there who wants a lot of details on how bad this legislation is, I had an op-ed piece in this morning's Wall Street Journal. I covered all these things in much more detail with documentation, and you can only do it in print. So I did it.

Charles Krauthammer:

There's no greater social power than the power to ration. Other than rationing food, there is no greater instrument of social control than rationing energy, the currency of just about everything one does and uses in an advanced society.

Human Events:

It will significantly increase the price Americans pay for gasoline and electricity. Cap and trade is an economy-killer.

The Hill:

A bill that the senate will debate after Memorial Day could add about 50 cents more to the price of a gallon of gasoline, according to a study.

There are several studies in this area. It is far greater than that. I think the EPA actually had the study that said that it would be 53 cents a gallon increase.

The Wall Street Journal:

Boxer climate tax bill would impose the most extensive government reorganization of the American economy since the 1930s.

Investor's Business Daily:

The bill essentially limits how much gasoline and other fossil fuels Americans can use, as Klaus puts it . . .

Talking about one of my real heroes, he is the President of the Czech Republic. He said:

. . . in the name of the planet. A study by Charles Rivers Associates puts the cost (in terms of reduced household spending per year) of Senate bill 2191—

which is the present source on this—

to $1,300 per household by 2015, rising to $1,500 to $2,500 by 2050.

Electricity prices could jump by 36 percent to 65 percent by 2015 and 80 percent to 125 percent by 2050.

By the way, we have another chart which I do not have with me which I will be showing tomorrow that has the breakdown by CRA, showing what each State has. It happens that the highest States in terms of the problems are the States of Oklahoma and Texas. The average cost for the average household in my State of Oklahoma and the State of Texas is $3,300 a year. So it is far greater than average, so naturally I am a little more concerned than some of the others are.

The Las Vegas Review Journal:

Consumers are already struggling with gasoline approaching $5 a gallon and other utility costs that have been moving steadily higher for the past few years. New mandates placed on producers in the name of ''global warming'' will only make matters worse.

The Plain Dealer—this is the one that is in Cleveland, OH, so I am sure the Chair knows a little bit about this newspaper. This is the one that was characterized by the senior Senator from Ohio as normally being moderate to liberal as opposed to being conservative. It says:

The bill, as conceived, will just bore new holes into an already battered economy.

That was an editorial by the Plain Dealer of Cleveland, OH, called: ''Carbon Cap-And-Trade Bill Is Going Nowhere, For Good Reason.''

Mr. President, it is my understanding I have 30 minutes. How much time do I have remaining?

The PRESIDING OFFICER. The Chair understood the Senator to have 25 minutes.

Mr. INHOFE. Yes, but I also had the 5 minutes in addition to rebut after the speech, which I acknowledged and asked for when I first started talking. Twenty-five plus 5 equals 30.

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

Mr. INHOFE. Pittsburgh Tribune-Review:

If there indeed is a second Great Depression to come, this will be the government measure that guarantees it arrives with a devastating gut punch.

San Francisco Chronicle. We have to have this one because generally they are on the other side of these issues.

The Senate debate on the climate bill probably will focus on its impact on energy prices and the economy, which in the short run could be considered significant.

Anyway, we have many, many more. So I guess to finalize what I have said, you have to repeat some of these things. First, we do have the problem of gas prices. You could argue it is not going to increase the price of gas. Every study we have, except one that presumes we are going to triple the number of nuclear plants, agrees with that.

In fact, the Energy Information Agency estimates that gas prices would increase from 41 cents somewhere to a dollar. When they talk about only 2 cents a year, that is on a study the EIA did that assumes that currently we have 104 nuclear plants and that would be increased by 260. Nuclear, we are going to have some amendments. There will be several amendments on that.

Let's remember now the other two major things that are worth repeating. You lose your jobs. The jobs are not going to be here. You are not going to have the energy. This bill puts caps on all the energy we produce today. They talk about the future. Yes, as the Senator from Vermont said, I want to have the renewables. I want to have solar energy that will work. I want to have wind energy. All of these we want to have. We need them all.

But what are we going to do today? That technology is not here. Today the technology on oil and gas is here. The technology is here on clean coal. We actually have, right now, 32 applications pending on new nuclear plants, a nuclear renaissance. That is what we need in this country.

Lastly, the tax and spend: $6.7 trillion, all going to be paid for by all these people out there. Maybe they may get back $1 out of every $8 they pay, but I doubt it. Because, as I said earlier, if you look and see clearly what it is that is in the bill, it says we should return some of this money to them, but it does not demand it. It does not authorize it. The Finance Committee would end up having to do it.

Now, with that, I will yield the floor for the response.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, in my rebuttal, I say to my good friend from Oklahoma that I truly believe one of the reasons his party is in trouble right now and his party is losing all these elections right now is because they do not have any answers to the problems that are facing us.

Whether it is high gas prices—and my friend can say Congress was responsible. Come on. I remember when George Bush ran with DICK CHENEY, and they said: We are two oil men, and we are going to make sure—we are going to use the power of the Presidency and the Vice Presidency to bring down gas prices. What happened? We will show you the chart again: a 250-percent increase since George Bush came into power. You could try to blame that on the Congress.

That just does not wash because we Democrats have offered many ways to go after big oil. We have offered resolutions saying we should be free of foreign oil. Republicans, for the most part, do not vote for it. Democrats do. So that is a red herring.

To blame it on the Congress is kind of laughable, when George Bush was

complaining about the price of oil when he got into office—I remember that; it is not that much ancient history—and has been really unable to do anything about it. And just as we are on the brink of passing a very important bill to get us off foreign oil, get us off big oil, and all those programs my friend read from—and I will talk about them more tomorrow. Those are not bureaucracies. Those are actually investments we are going to make so we make sure we get off of oil so we make sure in the future our prices go down. That is what the Boxer-Lieberman-Warner bill will do.

So to sum up, what you are hearing—and I have listened all day to every speech. I am very pleased Senator DOLE is here to speak in favor of the Boxer-Lieberman-Warner bill. I welcome her to this debate. We have had some great bipartisanship on our side today. We have heard from Senator SNOWE. We have heard from Senator WARNER. We are going to hear from Senator DOLE. And, of course, we heard from Senator LIEBERMAN, an Independent. So we have tripartisan support for our bill.

But on the other side, it is the same old, same old, same old—attack, attack, attack. They say we have a tax increase when we have a huge tax cut. They ignore the fact that half of the bill's revenues go to the people—deficit reduction trust fund, tax cut, and consumer relief. They ignore the fact that what we do with the rest of the funds is invest them in our country, in our people. That is why many unions are supporting us, because they understand the jobs are going to be created, just as they are being created in California.

Right now we have a horrible problem in California with our housing industry, our construction industry. Those jobs are going, thank goodness, to the 450 new solar energy companies that are located there.

I know my friend who is sitting in the chair is grappling with all these issues. He is concerned about manufacturing. That is why some of the programs my friend from Oklahoma talked about are going straight into the economies of the coal States, to make sure we can find the answer.

Now, there is another Dayton Daily News editorial:

Cap-and-trade has two factors going for it—

I think this is good. Since you heard a negative editorial, here is a positive editorial.

Cap-and-trade has two factors going for it that one needn't be an expert to understand. One, it is a new, inventive approach, as opposed to government incentives. . . .

Second, the bipartisan appeal of cap-and-trade is itself a case for adopting the idea. A way to actually get something done. . . .

So I think in Ohio we have a mixed review. I wanted to put that into the RECORD. I also want to say to my friend, he is reading editorial after editorial. I will go with him toe to toe. I am going to read some editorials.

San Jose Mercury News:

The challenge of climate change is to avert disaster for future generations. At least major legislation is now on the table.

The Denver Post:

In a time of global economic competition, future prosperity belongs to the quick. We urge the Senate to support enlightened efforts to deal with the world's changing physical and economic environment by passing the Climate Security Act.

The Tallahassee Democrat:

Florida should support Climate Security Act.

The Orlando Sentinel:

Take [a] step forward. Climate-change bill being wrongly targeted as bad for economy.

The Orlando Sentinel is very strong.

The Miami Herald:

U.S. Must Act Quickly to Slow Global Warming.

The Des Moines Register:

Congress Should Pass Climate Change Bill.

The Boston Globe:

Getting Warmer on Emissions.

Grand Rapids Press:

Seize the Chance to Address Global Warming.

. . . .the direction laid out in the bill represents the best path for addressing climate change in the United States.

St. Louis Dispatch:

Serious for a Change.

The Climate Security Act is a good first step. . . .

And it goes on and on.

The Star Ledger:

Speed a Plan to Fight Global Warming.

It just goes on.

Newsday, the New York Times.

The Oregonian:

The legislation, called America's Climate Security Act, would be the nation's first meaningful step. . . .

The Register Guard:

Time to Act. . . .

And this is to Senator SMITH.

Harrisburg Patriot News:

ACT NOW. . . .

Salt Lake Tribune:

. . . .Cost of doing nothing is too great.

The Milwaukee Journal Sentinel:

The consequences are too dire. . . .

That is just a sample.

Mr. President, I ask unanimous consent to have this document printed in the RECORD.

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

AMERICA'S NEWSPAPERS SUPPORT ACTION ON THE BOXER/LIEBERMAN/WARNER CLIMATE SECURITY ACT

San Jose Mercury News: Global Warming: Let's Set the Table for post-Bush Era

''The challenge of climate change is to avert disaster for future generations. At least major legislation is now on the table.''

San Jose Mercury News (California), June 2, 2008.

The Denver Post: Save the Earth—and the economy

''In a time of global economic competition, future prosperity belongs to the quick. We urge the Senate to support enlightened efforts to deal with the world's changing physical and economic environment bypassing the Climate Security Act. It will provide a good framework for the next president.''

The Denver Post (Colorado), May 30, 2008.

Tallahassee Democrat: Our Opinion: Florida should support Climate Security Act

''Still, it's time for the United States to make a strong statement on global warming, and it's time for Florida's business and political leaders to show the way on the issue again.''

Tallahassee Democrat (Florida), June 1, 2008.

Orlando Sentinel: Take step forward. Our position: Climate-change bill being wrongly targeted as bad for economy

''. . . the U.S. Senate will vote to end America's dangerous isolation on the issue of climate change by embracing a cap and trade, carbon emissions-limiting system honored by nations that long ago conceded the reality of global warming.''

Orlando Sentinel (Florida), May 31, 2008.

Miami Herald: U.S. Must Act Quickly to Slow Global Warming

''The leading bill is sponsored by Sens. Joseph Lieberman, I–Conn., and John W. Warner, R–Va. It sets a goal of stopping emissions growth by 2012 and is set to be debated in June. While President Bush might veto such a bill, all three leading presidential candidates support the approach. So the prospect of a cap-and-trade proposal passing is good, even if it has to wait a year.''

''Not to act quickly to protect the planet would be far more expensive.''

Miami Herald (Florida), April 22, 2008.

Des Moines Register: Congress Should Pass Climate Change Bill

''In the cost-benefit analysis of climate change, doing nothing could carry a devastating potential cost in everything from higher food prices to real estate lost to rising sea levels. Acting now, however, means taking steps toward a cleaner environment, exploring new energy sources, less reliance on fossil fuels and at the very least a chance to preserve the Earth as we know it for future generations.''

Des Moines Register (Iowa), June 1, 2008.

Boston Globe: Getting Warmer on Emissions

''With gasoline costing $4 a gallon and even the Bush administration admitting that global warming is endangering polar bears, the time is right for Congress to enact reductions in the use of fossil fuels that are a principal cause of global warming.''

''. . . the costs of both (gasoline and utility prices) have skyrocketed, and the country is no closer to making a substantial shift away from fossil fuels. Passage of this bill with a filibuster proof majority would start that historic change.''

Boston Globe (Massachusetts), June 2, 2008.

Grand Rapids Press: Seize the Chance to Address Global Warming

''. . . the direction laid out in the bill represents the best path for addressing climate change in the United States.''

Grand Rapids Press (Michigan), June 1, 2008.

St. Louis Dispatch: Serious for a Change

''The Climate Security Act is a good first step toward reducing greenhouse gas emissions. A cap-and-trade system for carbon dioxide emissions would nudge American energy policy toward a more sustainable future.''

''Waiting only will increase the impact and cost of global climate change. The Senate should approve the bill quickly.''

St. Louis Dispatch (Missouri), June 1, 2008.

Concord Monitor: Alaskan Changes Show that Congress Must Act

''Significant steps to limit global warming and its often devastating effects shouldn't wait for a new administration to take power. The Lieberman-Warner bill would show the rest of the world that the United States is finally making a serious commitment to combating climate change. It deserves the support of New Hampshire's congressional delegation.''

Concord Monitor (New Hampshire), March 19, 2008.

The Star Ledger: Speed a Plan to Fight Global Warming

''Senators must not fritter away the opportunity to end eight years of Bush administration obstructionism and jump-start America's fight against climate change.''

Star Ledger (New Jersey), June 2, 2008.

Newsday: Time for Cap and Trade

''The longer we wait to take serious action, the more painful will be the steps we'll have to take when we finally start.''

Newsday (New York), June 2, 2008.

New York Times: The Senate's Chance on Warming

''Mr. Bush can no longer plausibly deny the science. What he continues to resist is the need for a full-throated response. The Senate can usher in a new era of American leadership when it convenes next week.''

New York Times, May 28, 2008.

The Oregonian: Finally, a path for America to battle climate change

''The legislation, called America's Climate Security Act, would be the nation's first meaningful step toward halting and reversing the buildup of atmospheric gases that are altering the Earth's climate in devastating ways. Congress, after years of empty rhetoric on the subject, should pass this legislation and quickly put the United States on the right path to reducing the pollution that's causing this crisis.''

The Oregonian (Oregon), June 1, 2008.

The Register Guard: Time to Act Senator Smith

''The Lieberman-Warner bill has impressive bipartisan support, reflecting a growing conviction in Congress and the American public that action is imperative.''

''The scientific case for action is beyond compelling.''

''It's the sort of leadership that Oregonians—and all Americans—need and deserve to meet the formidable challenges of climate change.''

The Register-Guard (Oregon), June 1, 2008.

Pocono Record: Don't follow, lead on energy and climate

''The United States can help safeguard its environment and be out in front in the energy field. The Senate must lead the way to an environmentally responsible, economically sound energy future by passing the Climate Security Act.''

Pocono Record (Pennsylvania), June 1, 2008.

Harrisburg Patriot News: ACT NOW/Don't let uncertainty rule out steps to meet climate challenge

''. . . to do nothing until the facts are inescapable to even the most avowed critic would be reckless. Donald Brown, associate professor of Environmental Ethics, Science and the Law at Penn State, has written that 'the nature of the risk from climate change is enormous and using scientific uncertainty as an excuse for doing nothing is ethically intolerable.

So we need to act.' ''

Harrisburg Patriot News (Pennsylvania), May 25, 2008.

Salt Lake Tribune: Climate Security Act Cost of doing nothing is too great

''Clearly, we cannot sit idly by as disasters worsen and economic costs balloon. The Lieberman/Warner act is a reasonable first step.''

Salt Lake Tribune (Utah), May 31, 2008.

Milwaukee Journal Sentinel: Editorial: The consequences are too dire to remain a bystander

''The science that all three reports looked to doesn't offer much in the way of good news—which is why it's essential for the Senate to provide some by taking the first step this week on the Climate Security Act.''

Milwaukee Journal Sentinel (Wisconsin), May 31, 2008.

Mrs. BOXER. So my friends, the debate will go on. I think I am going to use the rest of my time to read the closing script for the day, but tomorrow, we go on. My friend, Senator INHOFE, is a terrific debater. Tomorrow, we are going to take that list he put up there behind himself and show how what he read off is not new bureaucracies but new investments. When he talked about adaptation and firefighting, of course we need to be sure we have the ability to do that. So we are going to show tomorrow how that chart is misleading. We are going to show tomorrow how the statistics that came from the National Association of Manufacturers are wrong.

Mr. President, I ask unanimous consent to have printed in the RECORD proof that they are wrong. We will talk about them tomorrow.

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

THE ACCF/NAM MODELING ANALYSIS IS FLAWED:

At a May 20 hearing before the Energy and Natural Resources Committee, Deputy Administrator Howard Gruenspecht of the Energy Information Agency said that ACCF/NAM wrongly attributed costs due to rising world oil prices as impacts of the Climate Security Act, rather than considering those costs as part of the economic baseline for the study.

In addition, ACCF/NAM is based on implausible ''constraints''—it basically assumes that new technologies and fuels will not be developed between now and 2030.

Congressional Research Service says NAM ''assumes substantial constraints on technology availability, and higher costs than those embedded in EIA's NEMS model.''

Mrs. BOXER. Mr. President, now I am going to go to the script so it is a little less complicated.

ORDER OF PROCEDURE

Mrs. BOXER. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

I assume that would happen after Senator DOLE finishes her remarks; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Is there objection?

Mr. INHOFE. Yes. Mr. President, it is my understanding we have agreed to give Senator ENZI some time.

Mrs. BOXER. OK.

Mr. INHOFE. First, we will have the Senator from North Carolina. Then I will have 5 minutes of rebuttal.

Mrs. BOXER. Then I ask unanimous consent that when Senator ENZI completes his remarks, the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

MALAYSIA

Mr. KERRY. Mr. President, I would like to share with my colleagues an important development in Asia with implications for regional security.

Malaysia, a moderate country of 27 million people with an Islamic majority, has long been a major high-tech manufacturing center, producing components of goods that are in personal computers and household items throughout our country, as well as throughout the world. It is encouraging to see economic reforms now complemented by political ones.

In response to a call for change voiced by the people in the March 8 Malaysian elections, in which opposition candidates made gains in Parliament, Malaysian Prime Minister Abdullah Badawi has proposed a series of significant reforms to promote a more independent and effective judiciary and to increase anticorruption efforts across Malaysia.

In the area of judicial reform, Prime Minister Badawi has proposed a new Judicial Appointments Commission to identify, recommend and evaluate candidates for the judiciary based on clearly defined criteria. He has also offered a proposal to improve the quality of judges by reviewing the compensation and terms of service for judges to attract and retain the most qualified judges.

Recognizing the major public concern about corruption in Malaysia, Mr. Badawi has taken steps to make Malaysia's Anti-Corruption Agency, ACA,

become a fully supported and independent commission with an independent corruption prevention advisory board. He has also undertaken action intended to triple the number of anticorruption officers, and to establish a parliamentary committee on corruption prevention that would review annual reports by the ACA.

Mr. Badawi's reform proposals also include greater support and protections for freedom of the press, including issuing one-time—rather than annual—licenses for media organizations and approving a permit for the party of main opposition leader Anwar Ibrahim's People's Justice Party to publish its own newspaper.

Malaysia's pursuit of democracy and its struggle against Islamic extremism are critical for establishing lasting peace, prosperity, and security both for the Malaysian people and for the entire Southeast Asian region. The future direction of countries such as Malaysia is of significant importance to the United States as we work with others to fight extremists.

The relationship between these types of reforms and security in Malaysia and the surrounding region is the subject of a recent op-ed in the Providence Journal by Stuart Eizenstat, who served as Undersecretary of State and Deputy Treasury Secretary in the Clinton administration. This editorial, which I am submitting for the RECORD, also notes Mr. Badawi's initiative to have Muslim states which are members of the Organization of Petroleum Exporting Countries, OPEC, commit themselves to a joint plan to eradicate poverty, illiteracy and unemployment in the Islamic world. Attention to that kind of investment in basic social needs in the Islamic world is an essential element of combating extremism. Human security requires protection not only of law and freedom, but of economic security, and I commend Mr. Eizenstat's article for its recognition of how these issues intersect in the current reform efforts being undertaken in Malaysia.

I ask unanimous consent that the editorial to which I referred be printed in the RECORD.

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

[From the Providence Journal, May 29, 2008]

MALAYSIAN DEMOCRACY'S ROLE IN TERROR FIGHT

(By Stuart E. Eizenstat)

There is a titanic conflict within the Muslim world pitting modernity against reactionary radicalism.

Muslim leaders who promote modernization and integration with the world economy will only succeed if their policies will lead to a better way of life for their people.

The next U.S. president must determine how best to support the reformers, which will require new approaches, a combination of both hard and soft U.S. power, and most importantly, strong, reliable allies.

That's why it is so important for the U.S. to pay attention to the transformation now occurring in Malaysia, a Muslim nation of some 27 million people whose prime minister, Abdullah Badawi, has responded to electoral calls for change by introducing sweeping reforms designed to maintain a democratic open society for the long term.

On March 8, Malaysian voters sent a strong message to the government by giving opposition parties solid gains in parliament—even as Badawi's party continued to hold more than 60 percent of the seats.

Instead of heeding the calls of his adversaries to resign, Prime Minister Badawi embraced the call of voters who demanded reform. The results: Badawi's avalanche of proposals has begun positioning him as the 68-year-old ''comeback kid'' of Malaysia politics.

The reforms have addressed three central foundations for freedom too often not seen in developing nations—and especially those in the Islamic world.

First, Badawi has moved to strengthen the independence of Malaysia's judiciary, by creating a process to create merit-based lists of judicial candidates, similar to the kinds of vetting systems used in the U.S. to rate potential new federal judges.

Second, Badawi is building on strategies adopted in Hong Kong and Singapore to create independent bodies to combat corruption.

Finally, Badawi is opening up historically strict licensing processes to promote freedom of the press, making it possible for the newly empowered political opposition to publish its own newspaper.

These new reforms would fundamentally change the way business—and politics—are carried out in a nation whose political leadership had historically emphasized economic development rather than political freedom. By making the country's institutions more transparent and independent, the Badawi government is promoting a system that is also more likely to be resilient in turbulent economic times.

The stability of this majority Muslim nation through political and economic change has significant implications for the U.S., for whom Malaysia is the 10th largest trading partner.

Malaysia is an important producer for the U.S. of components for high-tech business and consumer goods, like computers and cell phones. It also has provided a steady example of a Muslim government that has been serious about combating terrorism at home. And it has burnished Badawi's reputation as a leader of Islamic moderates against the life-support systems that sustain the dark forces of Al Qaeda, Hamas, Hezbollah and the terror network that stretches from Northern Africa across the Middle East into Southeast Asia.

Other Muslim leaders, including those of some of the opposition parties in Malaysia, have a different vision, one that would reverse Badawi's goal of converting Malaysia into a multi-cultural Islamic-oriented state that is helping to modernize Islam in ways that are compatible with the globalizing challenges of the 21st Century.

For example, Malaysia's Parti Islam se Malaysia (PAS) has called for the imposition of a criminal code of Islamic law, or Shariah, including such cruel punishments as amputation and death by stoning, reversing hard-won women's rights and an end to race-oriented affirmative-action programs aimed at helping improve the lives of Malaysia's minorities.

Malaysia and Badawi have sought to lead by example in the region. During his recently concluded chairmanship of the Organization of the Islamic Conference—an international organization of 57 Muslim states from the Middle East to Indonesia—he led efforts to address the twin challenges of poverty and illiteracy that fuel the spread of Islamic extremism in the Muslim world.

Badawi has challenged his fellow Muslim states, including those which are members of the Organization of Petroleum Exporting Countries (OPEC), to commit themselves to a joint plan to eradicate poverty, illiteracy and unemployment in the Islamic world.

His persistence in helping to establish a new economic agenda for the Muslim world represents a critical initiative in the long-term struggle to transform impoverished Muslim states into nations that find their place in a progressive, globalizing world.

In the end, whether Badawi's dexterity will keep him in power to serve a full term is yet to be determined, but what he has set in motion deserves the support of the United States, since his reforms will place Malaysia firmly on the path to modernizing its Islamic society.

Stuart E. Eizenstat was chief domestic-policy adviser to President Jimmy Carter, and held several senior positions in the Clinton administration.

CHALLENGES FACING WYOMING'S FARMERS AND RANCHERS

Mr. BARRASSO. Mr. President, I believe our Nation's farmers and ranchers—free of government interference and redtape—are the best stewards of the land.

Unfortunately in Washington, there are people who don't understand Wyoming. We do not need the Federal Government to regulate mud puddles and wetlands. We know how to manage our lands. We do not take kindly to the ''Washington knows best'' philosophy. We are westerners. We have been living out here for a long time without the helpful hand of the Federal Government.

A recent editorial printed in the Wyoming Livestock Roundup on April 5 really hit home. I recommend to my colleagues the editorial by Jim Magagna as reflecting the feelings of Wyoming farmers and ranchers. I ask unanimous consent that it be printed in the RECORD.

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

THE SOCIETY WE LIVE IN

I am admittedly old-fashioned. I still relish the 60's when resource conflicts were most often resolved by just getting out and kicking a little dirt. I had my share of ''cussin' and discussin''' with BLM, USFS and WG&F personnel. I respected their professional expertise and they respected my practical experience. Most often this combination produced a result that was a little uncomfortable for both of us, but right for the resource. Neither of us was particularly concerned that our decisions would be challenged by anyone else.

Fast-forward to the 21st century: Resource managers are no longer respected for their professional judgment, which they can exercise only at peril of the agency being sued. The demands placed upon them to create paper trails leave little time for kicking the dirt. The U.S. Fish and Wildlife Service (FWS), has been added to the list of federal agencies known to strike fear into the hearts of ranchers. Resource decisions are driven primarily by often uninformed public opinion and agency efforts to avoid litigation. Many of the threats which once plagued only

public land ranchers have migrated to private lands, infringing on our property rights. Many of today's decisions are simply not ''right for the resource''.

These 21st century resource management challenges have also forced ranchers and the organizations that represent them into the litigation arena to an unprecedented extent. Certain environmental organizations have perfected the litigation process as a tool to make government dysfunctional. Their formula is simple: Challenge every unfavorable decision on simple procedural grounds, utilizing the National Environmental Policy Act (NEPA) or the Endangered Species Act (ESA), as a tool. Make massive, costly and time-consuming demands on the agencies for documents under the Freedom of Information Act (FOIA), thereby preventing agency personnel from performing normal duties. Identify ''friendly'' courts that will assure a favorable decision on the weakest of evidence. Assure that the environmental organization's legal fees are paid by the taxpayer and that the FOIA fees are waived ''in the public interest''. This is the shameful but successful strategy of Western Watersheds Project, Center for Biological Diversity, Forest Guardians and a host of similarly aligned conspirators.

Meanwhile, back at the ranch, individual families are forced to scrape together thousands of dollars of their own funds to defend property rights and federal grazing permits. Financial and human resources that would otherwise be directed toward resource management and improvements are diverted to legal fees and endless meeting participation, thereby strengthening the claims of the environmental plaintiffs that the resource is not being properly managed. The rancher is placed in a vicious circle from which there is no ready escape.

Agricultural organizations at the state, national and local levels have stepped up to the plate in recent years in order to address these threats in a collective manner and relieve some of the burden placed on individual ranchers. In Wyoming, state government has been a partner in this effort, in particular regarding endangered species.

In 1999 the Wyoming Stock Growers Association (WSGA), for the first time in its then over 125 year history, deemed it necessary to establish a permanent Litigation Fund to support challenges by the radical environmental community. Since that time the generosity of our members and supporters has allowed us to participate in or financially support over ten (10) defenses of the property rights and interests of the ranching community. In addition to these direct expenditures, an increasing portion of staff time is dedicated to reviewing litigation and determining the appropriate level of involvement for the organization.

Currently, WSGA is involved as an intervenor in litigation seeking the listing of the sage grouse and in challenges to the state's elk feedgrounds. We have filed a motion to intervene in recent litigation seeking to force listing of the mountain plover. WSGA, joined by WWGA, has recently moved to file an amicus brief in litigation challenging the delisting of the grizzly bear. We were in the process of filing in the black-tailed prairie dog litigation when a settlement was reached. In addition, WSGA is a leader in an effort by the National Public Lands Council challenging the overturning of the revised BLM grazing regulations. The announcement last week by WildEarth Guardians of a lawsuit challenging the Secretary of Interior for failure to act on listing petitions for 681 species will undoubtedly present new ''opportunities'' for our involvement.

The ESA and NEPA are laws whose original intent remains valid. However, they have been co-opted by environmental litigants as procedural hurdles to serve their ultimate goal of land use control. Congress has demonstrated its inability to act in restoring integrity to these laws. There will continue to be a handful of federal judges who are willing to aid and abet in their abuse.

WSGA and others will continue to defend the property rights and grazing permits of ranchers in environmental litigation. This alone will not be enough. The time has arrived when we must develop a multi-faceted strategy to end this abuse of our rights and our legal system. We have begun the proactive step of building public support for our stewardship and forming alliances with other groups who support our role in resource management. Future steps should include an expose of the motives and tactics of select radical environmental groups and direct legal challenges to certain of their practices. This strategy will demand even greater short-term sacrifices by ranchers and a strong coordinated commitment by those who represent them. Success will assure a sustainable resource and a more secure future for our industry.

JUDICIAL NOMINATIONS

Mr. LEAHY. Mr. President, before the last recess, the Senate confirmed Judge G. Steven Agee of Virginia to the United States Court of Appeals for the Fourth Circuit. His confirmation lowered the remaining vacancies on that circuit to less than there were at the end of the Clinton administration, when a Republican-controlled Senate had refused to consider any nominees to the Fourth Circuit during the last 2 years of the Clinton Presidency. The Republican Senate majority used the Clinton years to more than double circuit court vacancies around the country. By contrast, we have already reduced circuit court vacancies by almost two-thirds, in the process reducing them to zero or only a single vacancy in nearly every circuit. We have already reduced vacancies among the 13 Federal circuit courts throughout the country from 32—which is what it was when I became chairman of the Judiciary Committee in the summer of 2001—to 11, the lowest number of vacancies in more than a decade.

When Republican Senators are ready to allow us to consider and confirm the President's nominations to fill the last two remaining vacancies on the Sixth Circuit, yet another circuit will be without any vacancies. We will reduce the total number of circuit court vacancies to single digits for the first time in decades. Lost in all the agitating from the other side of the aisle is the fact that we have succeeded in reducing circuit court vacancies to historically low levels.

In addition, this work period we have the opportunity to complete Senate consideration of five additional nominees for lifetime appointment to Federal courts, which are pending on the Senate's Executive Calendar. The Judiciary Committee has favorably reported the nominations of Mark Davis of Virginia to fill a vacancy in the Eastern District of Virginia, David Kays of Missouri to fill a vacancy in the Western District of Missouri, Stephen Limbaugh of Missouri to fill a vacancy in the Eastern District of Missouri, William Lawrence of Indiana to fill a vacancy in the Southern District of Indiana and Murray Snow of Arizona to fill a vacancy there. In addition, when the Judiciary Committee considers the nominations of Judge Helene White and Ray Kethledge to the Sixth Circuit, we will also consider the nomination of Stephen Murphy to the Eastern District of Michigan. Thus, with cooperation from across the aisle, the Senate should be in position to have confirmed four circuit court judges and 11 district court judges before the Fourth of July recess, for a total of 15 additional Federal judges.

By comparison, during the 1996 session when a Republican Senate majority was considering the judicial nominees of a Democratic President in a Presidential election year, not a single judge was confirmed before the Fourth of July recess—not even one. That was the same session in which they failed to confirm a single circuit court nominee.

Another stark comparison is that on June 1, 2000, when a Republican Senate majority was considering the judicial nominees of a Democratic President in a Presidential election year, there were 66 judicial vacancies. Twenty were circuit court vacancies, and 46 were district court vacancies. Those vacancies were the result of years of Republican pocket filibusters of judicial nominations. This year, by comparison there are just 47 total vacancies with only 11 circuit vacancies and 36 district court vacancies. If we can continue to make progress this month, the current vacancies could be reduced to fewer than 40, with only 9 circuit court vacancies and 30 district court vacancies.

The history is clear. When Republicans were busy pocket filibustering Clinton nominees, Federal judicial vacancies grew to more than 100, and circuit vacancies to more than 30.

When I became chairman for the first time in the summer of 2001, we quickly—and dramatically—lowered vacancies. The 100 nominations we confirmed in only 17 months, while working with a most uncooperative White House, reduced vacancies by 45 percent.

After the 4 intervening years of a Republican Senate majority, vacancies remained about level.

It is the Democratic Senate majority that has again worked hard to lower them in this Congress. We have gone from more than 110 vacancies to less than 50. With respect to Federal circuit court vacancies, we have reversed course from the days during which the Republican Senate majority more than doubled circuit vacancies. Circuit vacancies have been reduced by almost two-thirds and have not been this low since 1996, when the Republican tactics of slowing judicial confirmations began in earnest.

Consider for a moment the numbers: After another productive month, just 9

of the 178 authorized circuit court judgeships will remain vacant—just 9—a vacancy rate down from 18 percent to just 5 percent. With 168 active appellate judges and 104 senior status judges serving on the Federal Courts of Appeals, there are 272 circuit court judges. I expect that is the most in our history.

I regret to report that when I tried to expedite consideration of President Bush's two Sixth Circuit nominations last month, I encountered only criticism from the Republican side of the aisle, as did one of the nominees. Senator BROWNBACK publicly apologized for his actions at the hearing, and I commended him for doing so.

We have now received the updated ABA rating for President Bush's nomination of Judge Helene White to the Sixth Circuit. She received a well qualified rating. That did not come as any surprise. She has served ably on the Michigan state appellate courts and acquired additional experience in the decade since when she was nominated by President Clinton and the Republican Senate majority refused to consider her nomination. The White and Kethledge nominations to the Sixth Circuit break a logjam after 7 long years.

In light of Republican criticism of my efforts to expedite consideration of President Bush's Sixth Circuit nominations, I have said that the nominations would be scheduled for committee consideration after we received updated ratings from the ABA. Now we have and I plan to include them on the agenda for the committee's business meeting on June 12. I trust that all Senators will be prepared to consider and vote on the nominations at that time. That should provide the Senate with the opportunity to consider them before the July 4 recess.

The President has not nominated anyone to 16 current judicial vacancies. He has refused since 2004 to work with the California Senators on a successor to Judge Trott on the Ninth Circuit. The district court vacancies without nominees span from those that arose in Mississippi and Michigan in 2006, to several from 2007 in Pennsylvania, Michigan, Indiana and the District of Columbia, to others that arose earlier this year in Kansas, Virginia, Washington, and several in Colorado and Pennsylvania.

Disputes over a handful of controversial judicial nominations have wasted valuable time that could be spent on the real priorities of every American. I have sought, instead, to make progress where we can. The result is the significant reduction in judicial vacancies.

The alternative is to risk becoming embroiled in contentious debates for months. The most recent controversial Bush judicial nomination took 5½ months of debate after a hearing before Senate action was possible. I am sure there are some who prefer partisan fights designed to energize a political base during an election year, but I do not. I will continue in this Congress, and with a new President in the next Congress, to work with Senators from both sides of the aisle to ensure that the Federal judiciary remains independent, and able to provide justice to all Americans, without fear or favor.

In fact, our work has led to a reduction in vacancies in nearly every circuit, reducing vacancies on almost every circuit to only one or none. Both the Second and Fifth Circuits had circuit-wide emergencies due to the multiple simultaneous vacancies during the Clinton years with Republicans in control of the Senate. Both the Second Circuit and the Fifth Circuit now are without a single vacancy. We have already succeeded in lowering vacancies in the Second Circuit, the Fourth Circuit, the Fifth Circuit, the Sixth Circuit, the Eighth Circuit, the Ninth Circuit, the Tenth Circuit, the Eleventh Circuit, the DC Circuit, and the Federal Circuit. Circuits with no current vacancies include the Seventh Circuit, the Eighth Circuit, the Tenth Circuit, the Eleventh Circuit and the Federal Circuit. When we are allowed to proceed with President Bush's nominations of Judge White and Ray Kethledge to the Sixth Circuit, it will join that list of Federal circuits without a single vacancy.

My approach has been consistent throughout my chairmanships during the Bush Presidency. The results have been positive. Last year, the Judiciary Committee favorably reported 40 judicial nominations to the Senate and all 40 were confirmed. That was more than had been confirmed in any of the three preceding years when a Republican chairman and Republican Senate majority managed the process.

Still, some partisans seem determined to provoke an election year fight over nominations. The press accounts are filled with threats of Republican reprisals. The May 14 issue of Roll Call boasted the following headline: ''GOP Itching for Fight Over Judges; Reid's Pledge to Move Three Before Recess Fails to Appease Minority.'' Then in a recent article in The Washington Times, we read that the Republican fixation on judges is part of an effort to bolster Senator MCCAIN's standing among conservatives. There seem to be no steps we could take to satisfy Senate Republicans on nominations because they are using it as a partisan issue to rev up their partisan political base.

Among the reasons that Republican complaints about the Fourth Circuit ring hollow is that the emergency vacancy on the Fourth Circuit from North Carolina exists only because the Republican Senate majority refused to consider any of President Clinton's nominees to fill that vacancy. All four nominees from North Carolina to the Fourth Circuit were blocked from consideration by the Republican Senate majority. That also prevented President Clinton from integrating the Fourth Circuit through appointment of Judge Beaty or Judge Wynn.

Of course, during the Clinton administration, Republican Senators argued that the Fourth Circuit vacancies did not need to be filled because the Fourth Circuit had the fastest docket time to disposition in the country. That was the period when Fourth Circuit vacancies rose to five. One of those vacancies—to a seat in North Carolina—still exists because the President insisted on nominating and renominating Terrence Boyle over the course of 6 years to fill that vacancy. That highly controversial nomination persisted for years despite the strong opposition of law enforcement officers from across the country, civil rights groups, and those knowledgeable and respectful of judicial ethics opposed the nomination.

The Fourth Circuit now has fewer vacancies than it did when Republicans claimed no more judges were needed, and fewer vacancies than at the end of the Clinton administration. I have already said that once the paperwork on President Bush's nomination of Judge Glen Conrad to the Fourth Circuit is completed, if there is sufficient time, I hope to move to that nomination.

This is not the first time we have heard false complaints about our progress on nominations. One of the Republicans' favorite talking points is to use a mythical ''statistical average'' of selected years to argue that the Senate must confirm 15 circuit judges in this Congress. They only achieve this inflated so-called ''historical average'' by taking advantage of the high confirmation numbers of Democratic-led Senates confirming the nominees of President Reagan and the first President Bush. They ignore their own record of doubling vacancies during the Clinton administration, including during the 1996 session when the Republican-led Senate refused to confirm a single circuit court nominee.

They do not like to recall that during the 1996 session, when a Republican majority controlled the Senate during a Presidential election year, they refused to confirm any circuit court judges at all—not one. Their practice of pocket filibustering President Clinton's judicial nominees led Chief Justice Rehnquist to criticize them publicly. Chief Justice Rehnquist was hardly a Democratic partisan. Quite the contrary. Even he was appalled by the actions of the Republican Senate majority. In his 1996 Year-End Report on the Federal Judiciary, he wrote:

> Because the number of judges confirmed in 1996 was low in comparison to the number confirmed in preceding years, the vacancy rate is beginning to climb. When the 104th Congress adjourned in 1996, 17 new judges had been appointed and 28 nominations had not been acted upon. Fortunately, a dependable corps of senior judges contributes significantly to easing the impact of unfilled judgeships. It is hoped that the Administration and Congress will continue to recognize that filling judicial vacancies is crucial to the fair and effective administration of justice.

When that shot across the bow did not lead the Republican Senate majority to reverse course, Chief Justice

Rehnquist spoke up, again, in his 1997 Year-End Report on the Federal Judiciary. It was a salvo from a Republican Chief Justice critical of the Republican Senate leadership:

> Currently, 82 of the 846 Article III judicial offices in the federal Judiciary—almost one out of every ten—are vacant. Twenty-six of the vacancies have been in existence for 18 months or longer and on that basis constitute what are called ''judicial emergencies.'' In the Court of Appeals for the Ninth Circuit, the percentage of vacancies is particularly troubling, with over one-third of its seats empty.
>
> Judicial vacancies can contribute to a backlog of cases, undue delays in civil cases, and stopgap measures to shift judicial personnel where they are most needed. Vacancies cannot remain at such high levels indefinitely without eroding the quality of justice that traditionally has been associated with the federal Judiciary. Fortunately for the Judiciary, a dependable corps of senior judges has contributed significantly to easing the impact of unfilled judgeships.

It was only after the scorching criticism by a Republican Chief Justice that the Republican Senate majority modified its approach in order to allow some of the nominations that had been held back for years to finally proceed. Having built up scores of vacancies, some were allowed to be filled while the Republican Senate majority carefully kept vacant circuit court positions to be filled by President Clinton's successor. It is in that context that Republican claims of magnanimity must be seen for what it was. It is in that context that the 8 circuit confirmations in 2000 must be evaluated while the Republican Senate majority returned 17 circuit nominations to President Clinton at the end of that session without action.

By contrast, the Democratic Senate majority has worked steadily and steadfastly to lower vacancies and make progress, and we have. When Senate Republicans allow the Senate to confirm President Bush's Sixth circuit nominees, we will have achieved the average number of circuit confirmations the Republican Senate majority achieved in presidential election years and lowered circuit vacancies to an historically low level.

Further, the Republican effort to create an issue over judicial confirmations is sorely misplaced. Americans are now facing an economic recession, massive job losses of 232,000 in the first 3 months of this year, increasing burdens from the soaring price of gas, and a home mortgage foreclosure and credit crisis.

Last month, the Commerce Department reported the worst plunge in new homes sales in two decades. The press reported that new home sales fell 8.5 percent to the slowest sales pace since October 1991, and the median price of a home sold in March dropped 13.3 percent compared to the previous year. That was the biggest year-over-year price decline in four decades. You would have to go back to July 1970 to find a larger decline. Sales of existing homes also fell in March, as did employment and orders for big ticket manufactured goods, both of which fell for the third month in a row.

Unfortunately, this bad economic news for hard-working Americans is nothing new under the Bush administration. During the Bush administration, unemployment is up more than 20 percent; the price of gas has more than doubled and is now at a record high national average of over $3.94; trillions of dollars in budget surplus have been turned into trillions of dollars of debt, with an annual budget deficit of hundreds of millions of dollars. According to a recent poll, 81 percent of Americans today believe that our country is headed in the wrong direction. It costs more than $1 billion a day—$1 billion a day—just to pay down the interest on the national debt and the massive costs generated by the disastrous war in Iraq. That's $365 billion this year that would be better spent on priorities like health care for all Americans, better schools, fighting crime, and treating diseases at home and abroad.

In contrast, one of the few numbers actually going down as the President winds down his tenure is that of judicial vacancies. Senate Democrats have worked hard to make progress on judicial nominations, lowering circuit court vacancies by almost two-thirds from the level to which the Republican Senate majority had build them. Any effort to turn attention from the real issues facing Americans to win political points with judicial nominations is neither prudent, nor productive.

RECOGNIZING L. ROBERT KIMBALL

Mr. SPECTER. Mr. President, I have sought recognition to recognize an outstanding Pennsylvania citizen, L. Robert Kimball.

In 1953, L. Robert Kimball opened the doors of a surveying and civil engineering consulting company in Ebensburg, PA. Under Mr. Kimball's leadership over the past 55 years, L. Robert Kimball & Associates has grown from a 2-person outfit to a 600-person firm which now oversees nearly 1,200 projects a year in 14 offices across the United States.

L. Robert Kimball's leadership has not gone unnoticed. Among his many commendations are the Outstanding Engineering Alumnus Award and the Distinguished Alumnus Award from the Pennsylvania State University, the Western Pennsylvania Family Business of the Year Award from the University of Pittsburgh's Katz Graduate School of Business, and the Small Business Person of the Year Award from the Small Business Association.

I will conclude by commending the four guiding principles that Mr. Kimball instills in each his staff: have a goal, be persistent, know when to change direction, and enjoy your work.

ADDITIONAL STATEMENTS

SYDNEY POLLACK: IN MEMORIAM

• Mrs. BOXER. Mr. President, I ask my colleagues to join me in honoring the memory of a very special man, Sydney Pollack of Los Angeles County, who died May 26, 2008. He was 73 years old.

Sydney Pollack was a master filmmaker and will be fondly remembered for his over four decades of work in Hollywood as a director, producer, and actor.

Sydney Irwin Pollack was born to Rebecca and David Pollack on July 1, 1934, in Lafayette, IN. He was raised in South Bend and moved to New York City in 1952 to study at the Neighborhood Playhouse. While there, Sydney so impressed head acting teacher Sanford Meisner, that Mr. Meisner quickly made Sydney his assistant. Sydney went on to teach at the Neighborhood Playhouse from 1954–1959, guiding the talents of actors such as Robert Duvall, Rip Torn, Brenda Vaccaro, and Claire Griswold, whom he married in 1958.

At the urging of Director John Frankenheimer, Sydney left New York City in 1961 for Hollywood where he began work as a director of television shows. In 1965, Sydney made his movie-directing debut in the suicide help-line drama, ''The Slender Thread'' with Sidney Poitier and Anne Bancroft. In 1969, Sydney received his first Best Director nomination for an Academy Award for the film ''They Shoot Horses Don't They?''

As an actor, Sydney's key roles include Woody Allen's ''Husbands and Wives,'' 1992, Robert Altman's ''The Player,'' 1992, and Stanley Kubrick's ''Eyes Wide Shut,'' 1999. Sydney's most notable acting and directing role was in his 1982 comedy film ''Tootsie'' in which he played George Fields, agent to the main character played by Dustin Hoffman. His production company, Mirage, produced this film as well as many others, most recently ''Michael Clayton'' in which Sydney gave yet another memorable performance.

Perhaps Sydney Pollack's biggest directing triumph came in 1985 with ''Out of Africa.'' This landmark film received seven Academy Awards—Best Picture, Director, Adapted Screenplay, Cinematography, Original Score, Art Direction, Sound—and three Golden Globe Awards—Best Picture, Supporting Actor, Original Score. ''Out of Africa'' was also an example of one of the great collaborations of all time between actor and director. Sydney Pollack and Robert Redford made seven classic films together that include ''This Property Is Condemned,'' ''Jeremiah Johnson,'' ''The Electric Horseman,'' ''3 Days of the Condor,'' ''The Way We Were,'' and ''Havana.''

Those who knew Sydney Pollack recognize him as a courageous, innovative and brilliant man. He took pride in tackling social issues through films which raise interesting and challenging

questions. His work as an ambassador of cinema will be remembered gratefully by all those whose lives he touched. He touched mine, and he will be deeply missed.

Sydney is survived by his wife Claire Griswold, and their two daughters, Rachel Pollack Sorman and Rebecca Pollack Parker.●

THE 40TH ANNIVERSARY OF ST. AMBROSE HOUSING AID CENTER

● Mr. CARDIN. Mr. President, today I congratulate the St. Ambrose Housing Aid Center on its 40th anniversary. Since 1968, it has grown from its original mission to confront the ''blockbusting'' practices harming Baltimore's neighborhoods to providing a myriad of services to more than 100,000 Baltimoreans as our oldest nonprofit housing provider.

St. Ambrose Housing Aid Center was founded in 1968 by the dynamic and tenacious Father Vincent Patrick Quayle, known to all as Vinny. The center is dedicated to creating and preserving affordable housing in Baltimore. Its many successes are due to the charismatic and effective leadership of Vinny Quayle and the tireless efforts of a dedicated staff.

In the 1970s, St. Ambrose initiated a rental program and converted several vacant Catholic school buildings into affordable apartments. This effort led to neighborhood revitalization in many Baltimore communities. Today, St. Ambrose owns and manages 350 single and multifamily affordable housing units serving very low-income households, households with special needs, and the elderly.

When Baltimore experienced a gentrification movement in the 1980s, many low income families, especially those renting their homes, feared they would be displaced. St. Ambrose led the way in helping tenants convert to homeownership and was instrumental in convincing Baltimore City to establish a ''Tenant's Right of First Refusal'' bill.

Two other programs were established that have become core services at St. Ambrose. The Homesharing Program, the only one in Maryland, matches householders with room to share with homeseekers who need affordable housing and are willing to provide help with household tasks or financial support. The Legal Services Program helps homeowners and tenants combat home improvement fraud and predatory lending practices.

St. Ambrose partnered with the U.S. Department of Housing and Urban Development, HUD, and bought, renovated and sold Federal Housing Administration, FHA, properties to first-time homebuyers. Through its Homeownership Counseling Program, St. Ambrose serves more than 700 prospective homebuyers every year, with 100 of them purchasing a home within 6 months of completing housing counseling.

As the numbers of subprime mortgages and foreclosures have increased, St. Ambrose has stepped forward to help homeowners save their homes. Expert housing counselors provide assistance to homeowners in a number of ways and staff attorneys are available to provide legal review and action.

I am most proud to extend my warmest congratulations and best wishes to St. Ambrose Housing Aid Center on its 40th anniversary and ask my colleagues to do the same.●

REMEMBERING LIEUTENANT GENERAL WILLIAM ODOM

● Mr. FEINGOLD. Mr. President, today I would like to commemorate the life of a great soldier, strategic thinker and American, LTG William Odom. I was deeply saddened to learn of his recent sudden death.

General Odom served our country with honor and distinction throughout his life. During his time serving as a military adviser in the White House, Director of the National Security Agency, and West Point and Yale professor, General Odom demonstrated an uncanny talent for assessing and advancing U.S. interests in a complex and challenging world.

Over the years, the U.S. Congress has benefited greatly from General Odom's clear vision of U.S. interests in the Middle East. General Odom was a strong critic of the Iraq war even before it began. It is unfortunate that more Members of this body did not heed his insightful and prescient warnings of the perils of invading Iraq. His steadfast commitment to ending the war and restoring a balanced and focused national security strategy has been an inspiration. So, too, was his strong opposition to the President's illegal warrantless wiretapping program.

Our thoughts are with his wife, son, and family during this difficult time. I hope that they can take some comfort knowing that he will be deeply missed by a grateful Nation.●

REMEMBERING BILL CLARK

● Mr. PRYOR. Mr. President, today I honor the life of a great Arkansan, William E. ''Bill'' Clark, who passed on May 15, 2007. Bill was respected as a great philanthropist, sportsman, business leader and citizen of Arkansas. He was seen as an unparalleled advocate for the needs and welfare of his State and its citizens. He dedicated his life to serving his community and supporting individual lives in the public and private sector.

Bill graduated from Little Rock Central High School in 1961 and the University of Arkansas at Fayetteville in 1965 with a bachelor's degree in electrical engineering. Thereafter, he joined his brothers at C&C Electric Construction Company in Little Rock, working there until 1981 when he acquired Bragg's Electric Construction Company. In 1987, Bill partnered with Dillard's Incorporated and founded CDI Contractors, which grew to be one of the largest construction firms in the South. High-profile projects completed by CDI under Bill's leadership include the Clinton Presidential Library in Little Rock, the headquarters for Heifer International in Little Rock and Immanuel Baptist Church in West Little Rock, of which Bill was a devout attendee for over 27 years. Bill's impact on the business community of Arkansas is evident by the numerous business and professional awards he received, including Arkansas Business Executive of the Year, Rotary Club of Little Rock's Business and Professional Leader of the Year Award, Paul Harris Fellow as given by Fifty for the Future, election to the Arkansas Construction Hall of Fame, and admission to the University of Arkansas Engineering Hall of Fame and the Arkansas Academy of Electrical Engineering.

Respected and admired throughout Arkansas for over three decades, Bill took on countless worthwhile projects with optimism and enthusiasm; he was an inspiration to many. The positions he held relating to public service are evidence of his commitment to his community. His awards reflect his professional successes as well as his avid public service. These awards included the Arkansas Arts Center's Winthrop Rockefeller Memorial Award, the Boys and Girls Club of America National Service to the Youth Award, the Edwin N. Hanlon Memorial Award for Contribution to the Arts, and the Arkansas Children's Award from the Arkansas Sheriff's Youth Ranches.

Bill was a past president of the board for the University of Arkansas board of trustees, the Arkansas Arts Center, the Little Rock Regional Chamber of Commerce and the Country Club of Little Rock. Bill served as a board member of the Little Rock Boys and Girls Club, the Arkansas Arts Center Foundation, Baptist Health, the UAMS Foundation, Ouachita Baptist University Business Advisory Council, and the Episcopal Collegiate School Foundation.

During his lifetime, Bill was an enthusiastic outdoorsman. He loved hunting, fishing, and golf, while remaining committed to conservation endeavors. A final gesture honoring Bill and benefiting his community is the establishment of the William E. ''Bill'' Clark Presidential Park Wetlands, a 13-acre tract located on the banks of the Arkansas River running adjacent to the Clinton Presidential Library. This natural wetland area provides an educational exhibit that can be enjoyed by State, national, and international visitors for generations to come. As contractor for the Clinton Presidential Library, Bill believed in the library's mission to strive for educational advances within Arkansas, including the history of the United States, the institutional roles of the Presidency and the American political system as applied to President William J. Clinton.

It is hard for people to experience Arkansas without noticing the remarkable accomplishments of Bill Clark. It is not hard to imagine just what makes Bill Clark so special to his family, his friends, and to Arkansas. He was a person of great faith, a loving husband and father, a doting grandfather, and a humorous, compassionate friend to all he met. Bill never approached a situation with a negative attitude; rather, he saw everything as an opportunity to benefit his community. Bill will be well remembered for his generosity and commitment to improving his community.●

TRIBUTE TO KATHRYN TUCKER WINDHAM

● Mr. SESSIONS. Mr. President, today I ask that my colleagues join me in celebrating the 90th birthday of one of America's and Alabama's most talented and acclaimed residents, Ms. Kathryn Tucker Windham. Ms. Windham is a beloved storyteller, author, playwright, photographer, television and radio personality and, most importantly, a woman of faith, integrity, grace and high ideals.

This smalltown girl has written larger than life tales including ''Thirteen Alabama Ghosts and Jeffery'', along with many other historically based ghost-stories that involve smalltown urban legends in Alabama, Georgia, Tennessee, and Mississippi. She has also written works like ''Twice Blessed'', ''GRITS'' and ''Alabama, One Big Front Porch'', which reveal the rich joys of Alabama living.

She grew up in Thomasville, AL, not too far from my rural home and not too far from another notable Alabama writer—Harper Lee. Her capacity for storytelling and writing started early, as a news reporter. But she did not stop there allowing her natural talent and inclinations to lead her to a higher plane of national renown. It is always inspirational to see a real person, an individual American, follow their own calling and achieve success.

Ms. Windham represents the highest values of our State and region. This is so because she was raised right, studied hard, thought deeply, and was committed to a life that enriches others. A graduate of my alma mater, Huntingdon College, she followed its admonition, ''Enter to grow in wisdom; go forth to apply wisdom in service.''

I have known her and her son Ben for many years. I am so in awe of her. Not just for her noteworthy achievements, but because of the content of her character. She is an entertaining storyteller for sure, but she is a truth teller also. Her works reflect with truth the nature of the human condition. In them, she displays a love for all persons that reflects well on her rich heritage of religious faith.

She, from a lifetime of experience and insight, has been a leader in racial reconciliation in her home area. Persons of her integrity and stature can make a positive difference and she has. She supports good causes, knows in remarkable detail the history of the smallest communities in our State, and knows the importance of simply remembering. She loves children, capturing them with tall tales while stressing education and personal character.

Her wonderful southern accent is well remembered on NPR's ''All Things Considered'' and her commentaries are still heard on Alabama Public Radio.

I applaud her on her many achievements, and I am thankful to have such a beacon of literary excellence shining from Alabama. She is highly recognized for her achievements by the whole State and around the world and was one of the 13 artists chosen to represent the State by the Alabama State Council for the Arts at Alabama in France and Monaco in 2000. She was also honored in 2003 with the establishment of the Kathryn Tucker Windham Museum at Alabama Southern College.

Fellow Alabama author Harper Lee, author of ''To Kill a Mockingbird'', which is set in Monroeville not far from Thomasville, nominated Ms. Windham to the Alabama Academy of Honor in 2003. Some of her other accolades include: Alabama Humanities Award in 2000, the Governor's Award for the Arts, the National Storytelling Association's Circle of Excellence Award and Lifetime Achievement Award, the University of Alabama's Society of Fine Arts' Alabama Award, the Selma Rotary Club's Citizen of the Year, and she was inducted into the University of Alabama College of Communications Hall of Fame.

In true poetic form, I think, Ms. Windham sums up her insights in her book ''Alabama, One Big Front Porch'':

> Alabama, they say, is like one big front porch where folks gather on summer nights to tell tales and to talk family. The stories they tell are all alike in their Southern blend of exaggeration, humor, pathos, folklore and romanticism. Family history is woven into the stories. And pride. And humor. Always humor.

I know I speak for all Alabamians and all Americans when I express my gratitude for your eloquence, your literary achievements, and your humanity, and say, ''Happy Birthday Kathryn Tucker Windham!''

In closing, I would like to leave the Senate with a few of her words that truly embody the spirit of her work and life:

> I think we need to be put back in touch with our childhood . . . to be reminded of what's important, like memories about people we loved, or things that happened to us that affected our lives, things we can laugh about and shed a few tears about . . . I think storytelling is a way of saying ''I love you. I love you enough to tell you something that means a great deal to me.''●

NEW HAMPSHIRE EXCELLENCE IN EDUCATION AWARD WINNERS

● Mr. SUNUNU. Mr. President, today I congratulate the 2008 recipients of the New Hampshire Excellence in Education Awards. These prestigious awards, commonly called the ''ED''ies, are presented each year to individuals and schools who demonstrate the highest level of excellence in education.

The ''ED''ies were instituted as a way to honor the best of the best among New Hampshire's educators. For 15 years, annual award winners have been drawn from a rich source of talented and successful teachers, administrators, schools, and school boards. This year's recipients are no exception.

Those individuals selected have been compared against a criteria set by others in their discipline through their sponsoring organization. Schools are chosen by experienced educators and community leaders in New Hampshire based on guidelines established by the New Hampshire Excellence in Education Board of Directors. I am proud to recognize the individuals and schools who will receive this honor on June 7, 2008, and look forward to personally presenting this year's award for Secondary School of Excellence to Londonderry High School, as well as the Presidential Awards for Math and Science to Kimberly Knighton of Profile School and Louis Broad of Timberlane High School, respectively.

As a graduate of Salem High School, I am especially pleased that this year's New Hampshire Teacher of the Year, Benjamin Adams, has taught in Salem for 12 years. As I serve in the United States Senate, I am grateful for the excellent education I received in our New Hampshire public schools, and congratulate all of this year's award winners.

I ask that the list of the 2008 New Hampshire Excellence in Education Award winners be printed in the RECORD.

The material follows.

2008 NEW HAMPSHIRE EXCELLENCE IN EDUCATION AWARDS RECIPIENTS

Dr. Maurissa Abecassis; Benjamin Adams; Ina Ahern; Susan Antico; Dawn Bechtold; Alexander J. Blastos; Louis Broad; James K. Crane; Heather R. Cummings; Blanche Garant; Tobi Gray Chassie; Dorothy Grazier; Cynthia Grisa; Jacquelyn Hall; Percy Hill; Mark Humphreys; Kevin Irwin; Maria Knee; Kimberley Knighton; Dan LaFleur; William Marston; Curt Martin; Jan Martin; John Miles; Carl J. Nelson; Christina Nelson; Jill Pinard; Virginia Pinard; Dennis Pymm; Michael Reardon; Christine Reinart; David Seiler; Elise Smith; Bill Tirone; Carolann Wais; Bradley Wolff; and Ellen Zimmerman, RN, M.Ed.

Chichester School Board, Cooperative Middle School, Londonderry High School, Adeline C. Marston Elementary School, Pittsfield Elementary School, Simonds Elementary School.●

TRIBUTE TO GENERAL BURWELL BAXTER BELL

● Mr. WARNER. Mr. President, I wish to recognize the professional dedication, vision, and military service of GEN B.B. Bell, who is retiring from the U.S. Army after 39 years of dedicated service. It is a privilege for me to recognize the many outstanding achievements General Bell has provided the

Army and our great Nation. General Bell was commissioned as a distinguished military graduate and second lieutenant in 1969 upon graduation from the University of Tennessee at Chattanooga. Following commissioning, General Bell specialized in armor and served with distinction as he rose through the ranks. His orders took him to posts throughout the United States, Germany, and the Middle East.

General Bell assumed command of the United Nations Command, Republic of Korea/United States Combined Forces command, and United States Forces Korea on February 3, 2006.

During his time in command, North Korea made provocative missile launches and numerous demilitarized zone and airspace incursions. Despite these threats, General Bell maintained military readiness even as he reduced the U.S. footprint in Korea by moving soldiers, civilians, and family members south, thus transforming the commands in Korea.

In addition, General Bell has been a principal participant in the fast-paced bilateral military and political discussions, where he has earned the reputation as a well-respected ambassador for the United States. He also developed and maintained close ties with the military and civilian leadership of the Republic of Korea in partnership with the U.S. Ambassador to Korea. He has helped fuse a lasting bond between the two countries.

General Bell is a soldier's soldier. Throughout his career, he has made the wellbeing of soldiers, families, and civilians a priority. He expects those serving below him to do the same.

During service in Desert Shield and Desert Storm as the United States Central Command executive officer, he worked to ensure that each soldier was properly prepared, trained, and equipped for the mission and that every family was cared for by a Family Readiness Group.

Throughout his illustrious career in the Army, General Bell has been nothing less than exceptional. He is a great credit to the Army and this country. I wish him and his wife Katie well in their new endeavors.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 2:37 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 5658. An act to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, to amend the Servicemembers Civil Relief Act to provide for the protection of child custody arrangements for parents who are members of the Armed Forces deployed in support of a contingency operation, and for other purposes.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 5658. An act to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, to amend the Servicemembers Civil Relief Act to provide for the protection of child custody arrangements for parents who are members of the Armed Forces deployed in support of a contingency operation, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–6359. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Sorghum Promotion, Research, and Consumer Information'' ((RIN0581–AC70)(Docket No. AMS–LS–07–0056)) received on May 29, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6360. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Avocados Grown in South Florida and Imported Avocados; Revision of the Maturity Requirements'' (Docket No. AMS–FV–07–0054) received on May 29, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6361. A communication from the Administrator, Office of the Secretary, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes'' (Docket No. AMS–LRRS–08–0015) received on May 29, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6362. A communication from the Administrator, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Potato Grade Standards'' (Docket No. AMS–2006–0136) received on May 29, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6363. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Peanut Promotion, Research, and Information Order; Amendment to Primary Peanut-Producing States and Adjustment of Membership'' (Docket No. AMS–FV–08–0001) received on May 29, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6364. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Olives Grown in California; Decreased Assessment Rate'' (Docket No. AMS–FV–07–0155) received on May 29, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6365. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Marketing Order Regulating the Handling of Spearmint Oil Produced in the Far West; Salable Quantities and Allotment Percentages for the 2008–2009 Marketing Year'' (Docket No. AMS–FV–07–0135) received on May 29, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6366. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Onions Grown in South Texas; Increased Assessment Rate'' (Docket No. AMS–FV–07–0151) received on May 29, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6367. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Pistachios Grown in California, Change in Reporting Requirements'' (Docket No. FV07–983–2 FR) received on May 29, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6368. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Pistachios Grown in California; Change in Reporting Requirements'' (Docket No. AMS–FV–07–0095) received on May 29, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6369. A communication from the Administrator, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida'' (Docket No. FV07–905–610) received on May 29, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6370. A communication from the Administrator, Dairy Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Milk in the Appalachian and Southeast Marketing Areas; Correction'' (Docket No. DA–07–03 A) received on May 29, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6371. A communication from the Administrator, Poultry Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Increase in Fees and Charges for Egg, Poultry, and Rabbit Grading; Correction'' (Docket No. AMS–PY–08–0030) received on May 29, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6372. A communication from the Administrator, Dairy Program, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''National Dairy Promotion and Research Program, Section

610 Review'' (Docket No. DA–06–04) received on May 29, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6373. A communication from the Assistant Secretary of the Navy (Installations and Environment), transmitting, pursuant to law, notification of the Department's decision to convert to contract the intermediate level ship maintenance support functions; to the Committee on Armed Services.

EC–6374. A communication from the Deputy Under Secretary of Defense (Acquisition and Technology), transmitting, pursuant to law, a report relative to each task order contract that was extended in fiscal year 2007 to a period of more than ten years; to the Committee on Armed Services.

EC–6375. A communication from the Principal Deputy, Office of the Under Secretary of Defense (Personnel and Readiness), transmitting the report of (5) officers authorized to wear the insignia of the grade of major general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–6376. A communication from the Principal Deputy, Office of the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, notification of the Department's intent to close the Defense commissary stores at Idar-Oberstein and Dexheim, Germany; to the Committee on Armed Services.

EC–6377. A communication from the Acting General Counsel of the Department of Defense, transmitting legislative proposals relative to the National Defense Authorization Bill for fiscal year 2009; to the Committee on Armed Services.

EC–6378. A communication from the Acting General Counsel of the Department of Defense, transmitting legislative proposals it wants to be included as part of the National Defense Authorization Bill for fiscal year 2009, including one relative to the extension of payment bonuses; to the Committee on Armed Services.

EC–6379. A communication from the Acting General Counsel of the Department of Defense, transmitting legislative proposals it wants to be included as part of the National Defense Authorization Bill for fiscal year 2009, including one relative to the deposit fund for minor beneficiaries; to the Committee on Armed Services.

EC–6380. A communication from the Federal Register Liaison Officer, Office of the Secretary, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''User Fees'' (RIN0790–AH93) received on May 29, 2008; to the Committee on Armed Services.

EC–6381. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency that was declared in Executive Order 13405 with respect to Belarus; to the Committee on Banking, Housing, and Urban Affairs.

EC–6382. A communication from the Chairman and President, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to the sale of four Boeing 777–300ER aircraft to Brazil; to the Committee on Banking, Housing, and Urban Affairs.

EC–6383. A communication from the Chairman and President, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to the export of one Boeing 747–400F cargo aircraft and four installed Rolls Royce engines to Luxembourg; to the Committee on Banking, Housing, and Urban Affairs.

EC–6384. A communication from the Director, Census Bureau, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Foreign Trade Regulations: Mandatory Automated Export System Filing for All Shipments Requiring Shipper's Export Declaration Information'' (RIN0607–AA38) received on May 29, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6385. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Final Rule to Decrease the Incidental Catch of Weakfish in the Exclusive Economic Zone in Non-Directed Fisheries'' (RIN0648–AV44) received on May 29, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6386. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Final Rule, Correction; Correction to Implementation of Amendment 80 and Amendment 85 to Bering Sea and Aleutian Islands Management Area Fishery Management Plan'' (RIN0648–AU68) received on May 29, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6387. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch for Vessels in the Bering Sea and Aleutian Islands Trawl Limited Access Fishery in the Central Aleutian District of the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XH84) received on May 29, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6388. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Less Than 60 ft LOA Using Pot or Hook-and-Line Gear in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XH78) received on May 29, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6389. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Final Rule to Establish 2008 Groundfish Fishery Specifications for Pacific Whiting'' (RIN0648–AW63) received on May 29, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6390. A communication from the Associate Administrator for Aeronautics, Aeronautics Research Mission Directorate, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled ''Development Work for Industry in NASA Wind Tunnels'' (RIN2700–AC81) received on May 29, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6391. A communication from the Secretary of Transportation, transmitting a draft bill intended to authorize certain maritime programs; to the Committee on Commerce, Science, and Transportation.

EC–6392. A communication from the Acting Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, a report on excess harvesting capacity in U.S. fisheries; to the Committee on Commerce, Science, and Transportation.

EC–6393. A communication from the Administrator, Energy Information Administration, Department of Energy, transmitting, pursuant to law, a report relative to the country of origin and sellers of uranium and uranium enrichment services purchased by owners of U.S. civilian nuclear power reactors during calendar year 2007; to the Committee on Energy and Natural Resources.

EC–6394. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a draft bill entitled, ''To rename Martin Luther King, Junior, National Historic Site in the State of Georgia as 'Martin Luther King, Junior, National Historical Park' ''; to the Committee on Energy and Natural Resources.

EC–6395. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a draft bill entitled, ''Rio Grande Wild and Scenic River Boundary Adjustment Act of 2008''; to the Committee on Energy and Natural Resources.

EC–6396. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a draft bill entitled, ''George Washington Memorial Parkway Boundary Revision Act''; to the Committee on Energy and Natural Resources.

EC–6397. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a draft bill intended to adjust the wilderness boundary at Lava Beds National Monument; to the Committee on Energy and Natural Resources.

EC–6398. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a draft bill intended to authorize the Secretary to administer the Juan Bautista de Anza National Historic Trail; to the Committee on Energy and Natural Resources.

EC–6399. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a draft bill entitled, ''Abraham Lincoln Birthplace National Historical Park Act of 2008''; to the Committee on Energy and Natural Resources.

EC–6400. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a draft bill entitled, ''Cape Cod National Seashore Advisory Commission Reauthorization Act''; to the Committee on Energy and Natural Resources.

EC–6401. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a draft bill entitled, ''To modify the boundary of Voyageurs National Park in the State of Minnesota''; to the Committee on Energy and Natural Resources.

EC–6402. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a draft bill entitled, ''To designate as wilderness certain lands within the Pictured Rocks National Lakeshore in the State of Michigan''; to the Committee on Energy and Natural Resources.

EC–6403. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a draft bill entitled, ''National Park System Uniform Penalty Amendment Act''; to the Committee on Energy and Natural Resources.

EC–6404. A communication from the Executive Director, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Annual Update of Filing Fees'' (RIN1902–AD57) received on May 21, 2008; to the Committee on Energy and Natural Resources.

EC–6405. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled

''2-Oxepanone, homopolymer; Tolerance Exemption'' (FRL No. 8362–8) received on May 29, 2008; to the Committee on Environment and Public Works.

EC–6406. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Minnesota; Interstate Transport of Pollution'' (FRL No. 8573–3) received on May 29, 2008; to the Committee on Environment and Public Works.

EC–6407. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Minnesota; Maintenance Plan Update for Dakota County Lead Area'' (FRL No. 8572–6) received on May 29, 2008; to the Committee on Environment and Public Works.

EC–6408. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; South Carolina; Prevention of Significant Deterioration and Nonattainment New Source Review Rules'' (FRL No. 8573–2) received on May 29, 2008; to the Committee on Environment and Public Works.

EC–6409. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Expedited Approval of Alternative Test Procedures for the Analysis of Contaminants Under the Safe Drinking Water Act; Analysis and Sampling Procedures'' (FRL No. 8573–7) received on May 29, 2008; to the Committee on Environment and Public Works.

EC–6410. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Expedited Approval of Alternative Test Procedures for the Analysis of Contaminants Under the Safe Drinking Water Act; Analysis and Sampling Procedures'' (FRL No. 8573–7) received on May 29, 2008; to the Committee on Environment and Public Works.

EC–6411. A communication from the Chief of the Branch of Listing of Endangered Species, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Special Rule for the Polar Bear'' (RIN1018–AV79) received on May 29, 2008; to the Committee on Environment and Public Works.

EC–6412. A communication from the Chief Counsel, Economic Development Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Economic Development Administration Reauthorization Act of 2004 Implementation; Regulatory Revision'' (RIN0610–AA63) received on May 29, 2008; to the Committee on Environment and Public Works.

EC–6413. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, the Administration's position on budgeting for the Federal navigation improvement project at Akutan Harbor, Alaska, and the Final Feasibility Report on the Harbor; to the Committee on Environment and Public Works.

EC–6414. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report on the Administration's position on budgeting for the Lock and Dam 3 Mississippi River Navigation Safety and Embankments Navigation Improvement Project; to the Committee on Environment and Public Works.

EC–6415. A communication from the Chief of the Division of Migratory Bird Management, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Authorizations Under the Bald and Golden Eagle Protection Act for Take of Eagles: Grandfathering Existing Take Authorizations for Bald and Golden Eagles Under the Endangered Species Act'' (RIN1018–AV11) received on May 21, 2008; to the Committee on Environment and Public Works.

EC–6416. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, a report relative to abnormal occurrences during fiscal year 2007; to the Committee on Environment and Public Works.

EC–6417. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Coordinated Issue: State and Local Location Tax Incentives'' (Docket No. LMSB–04–0408–023) received on May 29, 2008; to the Committee on Finance.

EC–6418. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Treatment of Property Used to Acquire Parent Stock in Certain Triangular Reorganizations Involving Foreign Corporations'' ((RIN1545–BG97)(TD 9400)) received on May 29, 2008; to the Committee on Finance.

EC–6419. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Hospice Care Conditions of Participation'' (RIN0938–AH27) received on May 29, 2008; to the Committee on Finance.

EC–6420. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the use and effectiveness of Medicaid Integrity Program funds; to the Committee on Finance.

EC–6421. A communication from the Social Security Regulations Officer, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled ''Parent-to-Child deeming from Stepparents'' (RIN0960–AF96) received on May 29, 2008; to the Committee on Finance.

EC–6422. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''2009 Inflation Adjustments for Health Savings Accounts'' (Rev. Proc. 2008–29) received on May 21, 2008; to the Committee on Finance.

EC–6423. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Guidance Under Section 7874 for Determining the Ownership Percentage in the Case of Expanded Affiliated Groups'' ((RIN1545–BE93)(TD 9399)) received on May 21, 2008; to the Committee on Finance.

EC–6424. A communication from the Commissioner, Social Security Administration, transmitting a draft bill intended to make amendments to the Old-Age, Survivors, and Disability Insurance program; to the Committee on Finance.

EC–6425. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Provider Reimbursement Determinations and Appeals'' (RIN0938–AL54) received on May 21, 2008; to the Committee on Finance.

EC–6426. A communication from the Program Manager, Office of the Assistant Secretary for Planning and Evaluation, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''State Long-Term Care Partnership Program: Reporting Requirements for Insurers'' (RIN0991–AB44) received on May 21, 2008; to the Committee on Finance.

EC–6427. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Changes for Long-Term Care Hospitals Required by Certain Provisions of the Medicare, Medicaid, SCHIP Extension Act of 2007: 3-Year Moratorium on the Establishment of New Long-Term Care Hospitals and Long-Term Care Hospital Satellite Facilities and Increases in Beds in Existing Long-Term Care Hospitals and Long-Term Care Hospital Satellite Facilities; and 3-Year Delay in the Application of Certain Payment Adjustments'' (RIN0938–AP33) received on May 21, 2008; to the Committee on Finance.

EC–6428. A communication from the Director-General of the Food and Agriculture Organization of the United Nations, transmitting an invitation to a conference on the challenges of climate change and bioenergy; to the Committee on Foreign Relations.

EC–6429. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed manufacturing license agreement for the export of defense articles to the United Kingdom and Greece for the manufacture of the Lightweight 30mm TP projectile and the LW 30mm cartridge case; to the Committee on Foreign Relations.

EC–6430. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of defense articles relative to the Proton launch of commercial and foreign non-commercial satellites from Kazakhstan; to the Committee on Foreign Relations.

EC–6431. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a license for the export of defense articles to Japan for the co-development of the Galaxy Express space launch vehicle upgrade program; to the Committee on Foreign Relations.

EC–6432. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a license for the export of defense articles to Japan in support of the manufacture of the M167A1 Vulcan Air Defense System; to the Committee on Foreign Relations.

EC–6433. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of defense articles to the Ministry of Defense of Georgia relative to the 20M–134G complete 7.62 mini-gun systems; to the Committee on Foreign Relations.

EC–6434. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a license for the export of defense articles to Russia, Ukraine, and Norway relative to the launch of all commercial and foreign non-commercial satellites from the Pacific Ocean using a modified oil platform; to the Committee on Foreign Relations.

EC–6435. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the re-certification of a proposed

manufacturing license agreement for the export of defense services to the United Kingdom for the manufacture and assembly of component parts into completed SINCGARDS Advanced Tactical Communication Systems; to the Committee on Foreign Relations.

EC–6436. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the effectiveness of programs assisted under the Lead Contamination Control Act of 1988 for fiscal year 2005 to fiscal year 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–6437. A communication from the Deputy Director, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled ''Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits'' (73 FR 28037) received on May 29, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC–6438. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, an annual report for fiscal year 2007 relative to the Food and Drug Administration's adherence to conditions established in the Federal Food, Drug, and Cosmetic Act; to the Committee on Health, Education, Labor, and Pensions.

EC–6439. A communication from the Secretary, Department of Agriculture, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the six-month period that ended March 31, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6440. A communication from the Chairperson, Committee for Purchase from People Who Are Blind or Severely Disabled, transmitting proposed amendments to the Javits-Wagner-O'Day Act; to the Committee on Homeland Security and Governmental Affairs.

EC–6441. A communication from the Director, Strategic Human Resources Policy, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Nonforeign Area Cost-of-Living Allowance Rates; Puerto Rico and Hawaii County, HI'' (RIN3206–AL28) received on May 29, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6442. A communication from the Director, Division for Strategic Human Resources Policy, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Compensatory Time Off for Travel; Prevailing (Wage) Employees'' (RIN3206–AL52) received on May 29, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6443. A communication from the General Counsel, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the report of the discontinuation of service in an acting role for the position of Controller, received on May 29, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6444. A communication from the General Counsel, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the report of a rule entitled ''Accounting for the Costs of Employee Stock Ownership Plans Sponsored by Government Contractors'' (Docket No. 3110–01) received on May 29, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6445. A communication from the Assistant Secretary, Federal Maritime Commission, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the period of October 1, 2007, to March 31, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6446. A communication from the Acting Chief Acquisition Officer and Senior Procurement Executive, General Services Administration, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Federal Acquisition Circular 2005–25'' (FAC 2005–25) received on May 29, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6447. A communication from the Federal Co-Chair, Appalachian Regional Commission, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the period of October 1, 2007, through March 31, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6448. A communication from the Chairman, U.S. International Trade Commission, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the period of October 1, 2007, through March 31, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6449. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled, ''Auditor's Examination of Contract Cost and Administration for the Integrated Tax System''; to the Committee on Homeland Security and Governmental Affairs .

EC–6450. A communication from the Director, National Legislative Commission, The American Legion, transmitting, pursuant to law, statements describing the organization's financial condition as of December 31, 2007; to the Committee on the Judiciary.

EC–6451. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a nomination and change in previously submitted reported information for the position of U.S. Attorney, District of South Carolina, received on May 21, 2008; to the Committee on the Judiciary.

EC–6452. A communication from the Acting Chief, Regulatory Management Division, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Establishment of a Genealogy Program'' (RIN1615–AB19) received on May 21, 2008; to the Committee on the Judiciary.

EC–6453. A communication from the White House Liaison, Department of Veterans Affairs, transmitting, pursuant to law, (2) reports relative to vacancy announcements within the Department, received on May 29, 2008; to the Committee on Veterans' Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. VITTER:

S. 3076. A bill to amend the Internal Revenue Code of 1986 to provide a tax deduction for itemizers and nonitemizers for expenses relating to home schooling; to the Committee on Finance.

By Mr. REID (for Mr. OBAMA (for himself, Mr. COBURN, Mr. CARPER, and Mr. MCCAIN)):

S. 3077. A bill to strengthen transparency and accountability in Federal spending; to the Committee on Homeland Security and Governmental Affairs.

By Ms. COLLINS (for herself and Mrs. CLINTON):

S. 3078. A bill to establish a National Innovation Council, to improve the coordination of innovation activities among industries in the United States, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. FEINSTEIN (for herself, Mr. LEAHY, Mr. CARDIN, Mr. SANDERS, Mr. FEINGOLD, and Mr. BROWN):

S.J. Res. 37. A joint resolution expressing the sense of Congress that the United States should sign the Declaration of the Oslo Conference on Cluster Munitions and future instruments banning cluster munitions that cause unacceptable harm to civilians; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. INHOFE (for himself and Mr. DODD):

S. Res. 581. A resolution designating June 6, 2008, as ''National Huntington's Disease Awareness Day''; considered and agreed to.

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

S. Con. Res. 86. A concurrent resolution expressing the sense of Congress that the United States, through the International Whaling Commission, should use all appropriate measures to end commercial whaling in all of its forms and seek to strengthen measures to conserve whale species; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 394

At the request of Mr. AKAKA, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 394, a bill to amend the Humane Methods of Livestock Slaughter Act of 1958 to ensure the humane slaughter of nonambulatory livestock, and for other purposes.

S. 399

At the request of Mr. BUNNING, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 399, a bill to amend title XIX of the Social Security Act to include podiatrists as physicians for purposes of covering physicians services under the Medicaid program.

S. 582

At the request of Mr. SMITH, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 582, a bill to amend the Internal Revenue Code of 1986 to classify automatic fire sprinkler systems as 5-year property for purposes of depreciation.

S. 937

At the request of Mr. KERRY, his name was added as a cosponsor of S. 937, a bill to improve support and services for individuals with autism and their families.

S. 970

At the request of Mr. SMITH, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 970, a bill to impose sanctions on Iran and on other countries for assisting Iran in developing a nuclear program, and for other purposes.

S. 1042

At the request of Mr. ENZI, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 1042, a bill to amend the Public Health Service Act to make the provision of technical services for medical imaging examinations and radiation therapy treatments safer, more accurate, and less costly.

S. 1120

At the request of Mr. HARKIN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1120, a bill to amend the Public Health Service Act to provide grants for the training of graduate medical residents in preventive medicine and public health.

S. 1183

At the request of Mr. HARKIN, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 1183, a bill to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities, and for other purposes.

S. 1204

At the request of Mr. DODD, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1204, a bill to enhance Federal efforts focused on public awareness and education about the risks and dangers associated with Shaken Baby Syndrome.

S. 1437

At the request of Ms. STABENOW, the names of the Senator from Indiana (Mr. BAYH), the Senator from Missouri (Mrs. MCCASKILL) and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of S. 1437, a bill to require the Secretary of the Treasury to mint coins in commemoration of the semicentennial of the enactment of the Civil Rights Act of 1964.

S. 1951

At the request of Mr. BAUCUS, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 1951, a bill to amend title XIX of the Social Security Act to ensure that individuals eligible for medical assistance under the Medicaid program continue to have access to prescription drugs, and for other purposes.

S. 1954

At the request of Mr. BAUCUS, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 1954, a bill to amend title XVIII of the Social Security Act to improve access to pharmacies under part D.

S. 1995

At the request of Mr. SALAZAR, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of S. 1995, a bill to amend the Internal Revenue Code of 1986 to reduce the tax on beer to its pre-1991 level.

S. 2042

At the request of Ms. STABENOW, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 2042, a bill to authorize the Secretary of Health and Human Services to conduct activities to rapidly advance treatments for spinal muscular atrophy, neuromuscular disease, and other pediatric diseases, and for other purposes.

S. 2162

At the request of Mr. AKAKA, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 2162, a bill to improve the treatment and services provided by the Department of Veterans Affairs to veterans with post-traumatic stress disorder and substance use disorders, and for other purposes.

S. 2173

At the request of Mr. HARKIN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 2173, a bill to amend the Elementary and Secondary Education Act of 1965 to improve standards for physical education.

S. 2579

At the request of Mr. INOUYE, the names of the Senator from Louisiana (Mr. VITTER) and the Senator from Missouri (Mrs. MCCASKILL) were added as cosponsors of S. 2579, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the United States Army in 1775, to honor the American soldier of both today and yesterday, in wartime and in peace, and to commemorate the traditions, history, and heritage of the United States Army and its role in American society, from the colonial period to today.

S. 2667

At the request of Mr. MENENDEZ, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 2667, a bill to direct the Attorney General to make an annual grant to the A Child Is Missing Alert and Recovery Center to assist law enforcement agencies in the rapid recovery of missing children, and for other purposes.

S. 2682

At the request of Ms. CANTWELL, her name was added as a cosponsor of S. 2682, a bill to direct United States funding to the United Nations Population Fund for certain purposes.

S. 2736

At the request of Mr. KOHL, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 2736, a bill to amend section 202 of the Housing Act of 1959 to improve the program under such section for supportive housing for the elderly, and for other purposes.

S. 2760

At the request of Mr. BOND, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 2760, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the National Guard, enhancement of the functions of the National Guard Bureau, and improvement of Federal-State military coordination in domestic emergency response, and for other purposes.

S. 2818

At the request of Mr. ENZI, the name of the Senator from Kentucky (Mr. MCCONNELL) was added as a cosponsor of S. 2818, a bill to amend the Employee Retirement Income Security Act of 1974 and the Public Health Service Act to provide for enhanced health insurance marketplace pooling and relating market rating.

S. 2858

At the request of Ms. MIKULSKI, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2858, a bill to establish the Social Work Reinvestment Commission to provide independent counsel to Congress and the Secretary of Health and Human Services on policy issues associated with recruitment, retention, research, and reinvestment in the profession of social work, and for other purposes.

S. 2932

At the request of Mrs. MURRAY, the names of the Senator from Nebraska (Mr. NELSON) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 2932, a bill to amend the Public Health Service Act to reauthorize the poison center national toll-free number, national media campaign, and grant program to provide assistance for poison prevention, sustain the funding of poison centers, and enhance the public health of people of the United States.

S. 2990

At the request of Mr. KERRY, the names of the Senator from Indiana (Mr. BAYH), the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 2990, a bill to amend title XVIII of the Social Security Act to improve access of Medicare beneficiaries to intravenous immune globulins.

S. 3070

At the request of Mr. SESSIONS, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 3070, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the Boy Scouts of America, and for other proposes.

S. RES. 551

At the request of Mr. BAUCUS, the names of the Senator from Colorado (Mr. ALLARD), the Senator from North Carolina (Mr. BURR), the Senator from Delaware (Mr. CARPER), the Senator from Maine (Ms. COLLINS), the Senator from North Dakota (Mr. DORGAN), the Senator from Alaska (Mr. STEVENS), the Senator from New Hampshire (Mr. SUNUNU), the Senator from Montana (Mr. TESTER) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of S. Res. 551, a resolution celebrating 75 years of successful State-based alcohol regulation.

S. RES. 572

At the request of Mrs. DOLE, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. Res. 572, a resolution calling upon the Court of Appeal for the Second Appellate District of California to uphold the fundamental and constitutional right of parents to direct the upbringing and education of their children.

S. RES. 580

At the request of Mr. BAYH, the names of the Senator from Washington (Ms. CANTWELL) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. Res. 580, a resolution expressing the sense of the Senate on preventing Iran from acquiring a nuclear weapons capability.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REID (for Mr. OBAMA (for himself, Mr. COBURN, Mr. CARPER, and Mr. MCCAIN)):

S. 3077. A bill to strengthen transparency and accountability in Federal spending; to the Committee on Homeland Security and Governmental Affairs.

Mr. OBAMA. I am proud today to introduce the Strengthening Transparency and Accountability in Federal Spending Act of 2008. This important legislation will improve Government transparency and give the American people greater tools to track and monitor nearly $2 trillion of Government spending on contracts, grants, and other forms of assistance.

Throughout my time in public service, I have consistently fought to increase the openness and accessibility of Government and to encourage greater participation by people of all interests and backgrounds in public debates. One of the most important public debates is how Washington spends the people's money. Unfortunately, it has been far too difficult for ordinary citizens to see where, how, and why money is spent.

Congress took a big step toward improving transparency two years ago when it passed the Federal Funding Accountability and Transparency Act that I introduced with Senator COBURN. That bill, which created the public website USASpending.gov, makes information about nearly all Federal grants, contracts, loans and other financial assistance available to the public in a regularly updated, user-friendly, and searchable format. The website includes the names of entities receiving Federal awards, the amounts of the awards, information on the awards including transaction types, funding agencies, location, and other information. Soon the website will also include information about subcontracts and subgrants.

Our work is not done however. The early success of USASpending.gov has demonstrated that additional public information should be made available. Whether you believe Government ought to spend more or spend less or just spend differently, we all should be able to agree that Government spending should be transparent and that public information ought to be accessible to the public. We should also be able to agree that the quality of Government financial data must be improved and made more reliable.

Today I am pleased to be joined by Senators COBURN, CARPER, and MCCAIN on a bill to build upon USASpending.gov and further advance Government transparency. In addition to a few technical corrections, the bill we are introducing today will require the website to include additional public information, including a copy of each Federal contract in both PDF and searchable text format. The improved website will also include details about competitive bidding, the range of technically acceptable bids or proposals, the profit incentives offered for each contract, and the complete amount of money awarded, including any options to expand or extend under a contract.

With this legislation, the website will also show if a Federal grant or contract is the result of an earmark as well as provide an assessment of the quality of work performed. Ordinary citizens will be able to use the website to find information about Federal audit disputes and resolutions, terminations of Federal awards, contractor and grantee tax compliance, suspensions and debarments, and administrative agreements involving Federal award recipients. The website can also be used to find information about any civil, criminal, or administrative actions taken against Federal award recipients, including for violations related to the workplace, environmental protection, fraud, securities, and consumer protections.

Under the enhanced website, information about government lease agreements and assignments will be available in the same manner that information is reported for contracts and grants. Information about parent company ownership will also be available.

In addition to improving the transparency and accessibility of public data, our bill will also improve the quality and usability of data that is made available. For one thing the data on USASpending.gov will be accessible through an application programming interface. The bill also requires the use of unique award identifiers that prevent the release of personally identifiable information. Finally, the bill creates a simple method for the public to report errors and track the performance of agencies in confirming or correcting errors while also requiring regular audits of data quality.

People from every State in this great Nation sent us to Congress to defend their rights and stand up for their interests. To do that we have to tear down the barriers that separate citizens from the democratic process and to shine a brighter light on the inner workings of Washington.

This bill helps to shine that light. It is simple common sense and good governance that has been endorsed by a diverse range of grassroots organizations and Government watchdog groups, including the American Association of Law Libraries, Americans for Democratic Action, Americans for Tax Reform, the Center for American Progress, the Center for Democracy & Technology, Citizens for Responsibility and Ethics in Washington, the Environmental Working Group, the Federation of American Scientists, the Government Accountability Project, the National Taxpayer Union, OMB Watch, OpenTheGovernment.org, POGO, Public Citizen, Sciencecorps, the Sunlight Foundation, Taxpayers for Common Sense Action, U.S. Action, and U.S. PIRG among others.

This bill continues the bipartisan progress we have made opening up Washington to greater scrutiny and oversight. I am grateful for continued grassroots leadership on these issues and I appreciate the hard work of my Senate colleagues. Together I know we can change the way business is done in this town and make our Government more accountable to the people who sent us here to work for them. I urge support for this important legislation.

By Ms. COLLINS (for herself and Mrs. CLINTON):

S. 3078. A bill to establish a National Innovation Council, to improve the coordination of innovation activities among industries in the United States, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Ms. COLLINS. Mr. President, I rise today to introduce the National Innovation and Job Creation Act, a bill which aims to spur the adoption of new technologies and practices that can accelerate economic growth and build a secure foundation for good, high-paying jobs. I am pleased that Senator CLINTON joins me in offering this legislation.

We are all familiar with the fiscal challenges our Nation will face in the coming years. Over the next 2 decades, more than 75 million members of the Baby Boom generation will leave the workforce and enter retirement. The loss of their participation in the workforce, coupled with our Social Security obligations and rising healthcare costs, will put enormous strains on our economy. So too will competition from other countries, brought about by increased international trade and globalization. If we do not act to strengthen our competitiveness, our nation's ability to create good, high-paying jobs will be severely tested.

Indeed, there are already troubling signs that our economy's competitive edge has been dulled, and we are losing ground to other nations. In just the last 4 months, we've seen 340,000 jobs lost across the country. According to the Bureau of Labor Statistics, there are 1.6 million more workers unemployed today than in 2001, and 800,000 more workers unemployed than just

one year ago. Our trade deficit is now 6.5 percent of GDP—the highest in history—while manufacturing continues its decades-long decline, accounting for only 12.1 percent of GDP in 2006. We now import more high-technology products than we sell to other nations, and even in agriculture, where America has long been the world leader, our trade surplus is dropping toward zero.

Even the service sector is not immune from the effects of international competition. With the increased telecommunications capacity provided by trans-oceanic fiber-optic networks, geographic proximity to the market is no longer necessary for services such as back-office operations, call-centers, and software development.

As the Brookings Institute pointed out in a series of recent white papers on the topic of Innovation, ''the growth of international trade and the globalization of production make it increasingly important for the United States to innovate to maintain its standard of living.'' They explain that low-wage countries will always find it easier to compete with America for labor-intensive work that is difficult-to-automate, but that does not mean that we must surrender whole industries to China and India, nor does it mean that we must fear the inevitable loss of high value-added jobs that depend upon research and development, and advanced technology.

Rather, it means that we must build upon what has always given America its competitive edge—innovation. This means taking what has already been invented, and putting it to use. It is only by doing this that we can raise our productivity rate, and ultimately, continue to create the high-paying jobs that Americans need and deserve.

Last year, with the passage of the America COMPETES Act, we took an important step toward bolstering research and education that can serve as the foundation for future innovation. But we must go beyond this, to help enterprises understand innovative technologies and services that can make them more competitive, and to help them overcome the barriers they face in adopting these innovations.

That is what the bill Senator CLINTON and I are introducing today aims to do. The bill creates a National Innovation Council in the Executive Office of the President, to take the lead in coordinating existing Federal efforts on innovation, and to help support those efforts at the State and local level. Six Federal programs that share innovation-based missions would be relocated to the NIC. These are: The Manufacturing Extension Partnership Program (the ''MEP''), the Technology Innovation Program, Partnerships for Innovation, the Industry-University Cooperative Research Center Program, the Engineering Research Center Program, and the Workforce Innovations in Regional Economic Development program, known as the ''WIRED'' program.

The operation and funding of these existing programs would be unaltered by my legislation, but the NIC would lead these programs to coordinate their activities where feasible.

The NIC would operate several grant programs to support efforts to spread innovation and create good jobs. Chief among these would be a grant program to support innovation-based economic development partnerships in every State. The NIC would also provide grants for the diffusion of technology in every state, operating through the existing MEP program.

The NIC would also oversee a new ''Cluster Development'' program which would operate alongside the six existing programs I have already mentioned. I want to focus for a moment on this aspect of my proposal since cluster development is so essential to our ability to keep and create good, high-paying jobs in the face of international competition.

''Clusters'' are geographic areas where interrelated economic activity is taking place. Businesses that locate in a cluster build the foundation they all rely on to succeed, even as they compete with one another. Because of this, clusters are often at the heart of strong regional economies. Silicon Valley in California, Route 128 around Boston, and the Research Triangle Park in Raleigh-Durham, North Carolina, are famous examples of clusters in the high-tech sector. But cluster development is not just a phenomenon of the high-tech industry—successful clusters can and do arise in any sector of the economy. Think insurance in Connecticut, theme parks in Florida, movies in Hollywood, and boatbuilding in Maine. Each of these ''clusters'' is built around a skilled labor force that can command good wages, and is ready to compete with the best the world has to offer.

In Maine, cluster development has been championed by Karen Mills, the primary author of the Brookings Institute's white paper ''Clusters and Competitiveness.'' From her work in helping Maine secure $15 million in WIRED funding to further develop the composite and boatbuilding clusters in a project that hopes to create 2,500 high-quality jobs over the next 5 to 7 years, to her current position as chair of Maine's Council on Competitiveness and the Economy, Karen's hard work and dedication on cluster development is unsurpassed.

The WIRED grant has enabled Maine to make great progress on cluster development, but more must be done nationally. As Karen explained in the Brookings white paper, our Nation's network of cluster initiatives is ''thin and uneven,'' and consequently ''many U.S. industry clusters are not as competitive as they could be, to the detriment of the nation's capacity to sustain well-paying jobs.'' Because of this, ''too many workers are losing decent jobs, and too many regions are struggling economically.''

The Cluster Development program we are proposing in this bill is modeled after the Department of Labor's WIRED program. It would identify geographic regions where cluster activity is taking place or can develop, and provide assistance to local and regional efforts to build on those clusters.

I look forward to working with my colleagues on this and other proposals to bolster innovation, strengthen our Nation's competitiveness, and most of all, help preserve the foundation for high-quality jobs in the face of the coming economic challenges.

Mrs. CLINTON. Mr. President, today I introduce the National Innovation Act of 2008, a bill that will strengthen America's leadership in technology and manufacturing innovation, while helping to keep and create more jobs here at home. I would like to recognize my colleague, Senator COLLINS, for her leadership on this bill, and I thank her and her staff for all their hard work.

Our Nation is at a crossroads. Every day we hear of more jobs being sent oveaseas and new technology centers growing halfway across the world. In this increasingly global economy, we need to have the tools and the knowledge to compete and succeed. There is no doubt that technology and innovation will be the foundation of the new economy. And America must be at the forefront of this new, innovation economy.

The National Innovation Act is a comprehensive plan to spur the growth of innovative technologies to increase America's productivity gains and economic growth. It builds on the long-standing bipartisan commitment to improve our Nation's competitiveness by strengthening our innovation infrastructure.

This new legislation creates a ''National Innovation Council'' to coordinate Federal innovation policy, and to help support efforts at the State and local level to accelerate the adoption of innovation technologies throughout the economy. It will include six existing Federal programs which share this important innovation-based mission.

The National Innovation Act also establishes a CLUSTER Information Center and a Cluster Grant Program. The CLIC will collect, develop, and disseminate analysis on industry clusters throughout all 50 States, provide technical assistance guides for regional cluster development, and develop initiatives and programs.

Since I took office, I have devoted time and energy into trying to help the economically distressed communities throughout New York State, particularly those in upstate New York that were once economically vibrant but now are facing a declining economy. This legislation will help revitalize communities in upstate New York and across the country who have been hit hard by manufacturing and job loss by establishing regional economic clusters. It will bring innovation to every corner of America. Communities can

use cluster grants to build on the strengths of their particular regions by utilizing the skills and knowledge base of local businesses, economic developers, colleges and universities, scientists, nonprofits, and the public sector.

In order to secure the future of America's economy we must create new, good-paying jobs here at home. Investing in new technologies and industries will expand our workforce, ensuring America remains competitive in the global economy and putting us on a course toward growth and prosperity for future generations.

By Mrs. FEINSTEIN (for herself, Mr. LEAHY, Mr. CARDIN, Mr. SANDERS, Mr. FEINGOLD, and Mr. BROWN):

S.J. Res. 37. A joint resolution expressing the sense of Congress that the United States should sign the Declaration of the Oslo Conference on Cluster Munitions and future instruments banning cluster munitions that cause unaccapetable harm to civilians; to the Committee on Foreign Relations.

Mr. LEAHY. Mr. President, I am pleased to join with my friend from California, Senator FEINSTEIN, in sponsoring this joint resolution calling on the administration to sign the Convention on Cluster Munitions when it is open for signature in December.

This treaty is the product of a year of negotiations among many of our closest allies and other nations that came together to prohibit the use of cluster munitions that cause unacceptable harm to civilians.

I regret that the United States did not participate in the negotiations. The Pentagon continues to insist that cluster munitions are necessary, but the country with the world's most powerful military should not be on the sidelines while others are trying to protect the lives and limbs of civilians in war.

Any weapon, whether cluster munitions, landmines or even poison gas, has some military utility. But anyone who has seen the indiscriminate devastation cluster munitions cause over a wide area understands the unacceptable threat they pose for civilians. These are not the laser guided weapons that were shown destroying their targets during the invasion of Baghdad.

And there is the insidious problem of cluster munitions that do not explode as designed, and remain as active duds, like landmines, until they are triggered by whoever comes into contact with them. Often it is an unsuspecting child, or a farmer.

This resolution follows an amendment I sponsored which prohibits U.S. sales and exports of cluster munitions that do not meet strict criteria, which became law as part of the Consolidated Appropriations Act, 2008. These criteria are no different from what the Pentagon set for itself 7 years ago for new procurements of cluster munitions, applied also to those in existing U.S. stockpiles. Senator FEINSTEIN and I have also introduced legislation that would apply these same criteria to the use of cluster munitions. That legislation now has 20 cosponsors.

I want to express my appreciation to the Government of Norway for its leadership in initiating the process that led to the agreement on the treaty in Dublin, and to the Cluster Munitions Coalition, a group of some 200 nongovernmental organizations that worked diligently in support of the treaty.

I traveled to Dublin last week to meet with delegates to the negotiations, including the president of the Conference Daithi O'Ceallaigh. He did a masterful job of guiding the discussions to a successful conclusion.

There are some who have dismissed this effort as a ''feel good'' exercise, since it does not have the support of the United States and other major powers such as Russia, China, Pakistan, India and Israel. These are the same critics of the Ottawa treaty banning antipersonnel landmines, which the U.S. and the other countries I named have also refused to sign. But that treaty has dramatically reduced the number of landmines produced, used, sold and stockpiled, and the number of mine victims has fallen sharply. Any government that contemplates using landmines today does so knowing that it will be condemned by the international community. I suspect it is only a matter of time before the same is true for cluster munitions.

The administration insists that the Convention on Certain Conventional Weapons, known as the CCW, is the right place to negotiate limits on cluster munitions because all countries are represented. I don't doubt their intentions, but it is what they said about landmines, and nothing happened because Russia and China were opposed. The same is likely for cluster munitions. It is a way to make it appear as if you are doing something, when you are not.

It is important to note that the U.S. today has the technological ability to produce cluster munitions that would not be prohibited by the treaty. What is lacking is the political will to expend the necessary resources. There is no other excuse for continuing to use cluster munitions that cause unacceptable harm to civilians.

Finally, I want to thank Senator FEINSTEIN who has shown a real passion for this issue and has sought every opportunity to protect civilians from these weapons.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 581—DESIGNATING JUNE 6, 2008, AS ''NATIONAL HUNTINGTON'S DISEASE AWARENESS DAY''

Mr. INHOFE (for himself and Mr. DODD) submitted the following resolution; which was considered and agreed to:

S. RES. 581

Whereas Huntington's Disease is a progressive degenerative neurological disease that causes total physical and mental deterioration over a 12 to 15 year period;

Whereas each child of a parent with Huntington's Disease has a 50 percent chance of inheriting the Huntington's Disease gene;

Whereas Huntington's Disease typically begins in mid-life, between the ages of 30 and 45, though onset may occur as early as the age of 2;

Whereas children who develop the juvenile form of the disease rarely live to adulthood;

Whereas the average lifespan after onset of Huntington's Disease is 10 to 20 years, and the younger the age of onset, the more rapid the progression of the disease;

Whereas Huntington's Disease affects 30,000 patients and 200,000 genetically ''at risk'' individuals in the United States;

Whereas, since the discovery of the gene that causes Huntington's Disease in 1993, the pace of Huntington's Disease research has accelerated;

Whereas, although no effective treatment or cure currently exists, scientists and researchers are hopeful that breakthroughs will be forthcoming;

Whereas researchers across the Nation are conducting important research projects involving Huntington's Disease; and

Whereas the Senate is an institution that can raise awareness in the general public and the medical community of Huntington's Disease: Now, therefore, be it

Resolved, That the Senate—

(1) designates June 6, 2008, as ''National Huntington's Disease Awareness Day'';

(2) recognizes that all people of the United States should become more informed and aware of Huntington's Disease; and

(3) respectfully requests the Secretary of the Senate to transmit a copy of this resolution to the Huntington's Disease Society of America.

SENATE CONCURRENT RESOLUTION 86—EXPRESSING THE SENSE OF CONGRESS THAT THE UNITED STATES, THROUGH THE INTERNATIONAL WHALING COMMISSION, SHOULD USE ALL APPROPRIATION MEASURES TO END COMMERCIAL WHALING IN ALL OF ITS FORMS AND SEEK TO STRENGTHEN MEASURES TO CONSERVE WHALE SPECIES

Mr. KERRY (for himself and Mrs. BOXER) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 86

Whereas 78 countries have adopted the International Convention for the Regulation of Whaling, signed at Washington December 2, 1946 (TIAS 1849) (in this preamble referred to as the ''Convention''), which established the International Whaling Commission (in this preamble referred to as the ''Commission'') to provide for the conservation of whale stocks;

Whereas the Commission has adopted a moratorium on commercial whaling in order to conserve and promote the recovery of whale stocks, many of which had been hunted to near extinction by the whaling industry;

Whereas the United States was instrumental in the adoption of the moratorium and has led international efforts to address the threat posed by commercial whaling for more than 3 decades;

Whereas, despite the moratorium, 3 countries that are parties to the Convention continue to kill whales for financial gain, disregarding the protests of other parties;

Whereas those 3 countries have killed more than 25,000 whales since the moratorium entered into force, including more than 11,000 whales killed under the guise of scientific research;

Whereas whaling conducted for scientific purposes has been found to be unnecessary by the majority of the world's cetacean scientists because nonlethal research alternatives exist;

Whereas the parties to the Convention have adopted numerous resolutions opposing and calling for an end to so-called scientific whaling, most recently in 2007 at the annual Commission meeting in Anchorage, Alaska;

Whereas commercial whaling in any form, including special permit whaling and any coastal or community-based whaling, undermines the conservation mandate of the Convention and impairs the Commission's ability to function effectively;

Whereas all coastal whaling is commercial, unless conducted under the aboriginal exemption to the moratorium on commercial whaling; and

Whereas the majority of the people of the United States oppose the killing of whales for commercial purposes and expect the United States to use all available means to end such killing: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that the United States, through the International Whaling Commission, should—

(1) use all appropriate measures to end commercial whaling in any form, including so-called scientific whaling;

(2) oppose any initiative that would result in any new, Commission-sanctioned coastal or community-based whale hunting, even if the whale hunting is portrayed as noncommercial and including any commercial whaling by coastal communities that does not qualify as aboriginal subsistence whaling; and

(3) seek to strengthen conservation and management measures to facilitate the conservation of whale species.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4822. Mr. WHITEHOUSE submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table.

SA 4823. Mr. WHITEHOUSE submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4824. Mrs. BOXER (for Mr. AKAKA (for himself and Mr. BURR)) proposed an amendment to the bill S. 2162, to improve the treatment and services provided by the Department of Veterans Affairs to veterans with post-traumatic stress disorder and substance use disorders, and for other purposes.

TEXT OF AMENDMENTS

SA 4822. Mr. WHITEHOUSE submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

Strike the table that appears on page 162 after line 17 and insert the following:

Calendar year	Percentage for auction for Climate Change Worker Training and Assistance Fund
2012	3
2013	3
2014	3
2015	3
2016	2.5
2017	2.5
2018	2.5
2019	2.5
2020	2.5
2021	3
2022	3
2023	3
2024	3
2025	3
2026	2
2027	2
2028	3
2029	3
2030	3
2031	4
2032	4
2033	4
2034	4
2035	4
2036	4
2037	4
2038	4
2039	3
2040	3
2041	3
2042	3
2043	3
2044	3
2045	3
2046	3
2047	3
2048	3
2049	3
2050	3.

Strike the table that appears on page 193 before line 1 and insert the following:

Calendar year	Percentage for distribution among fossil fuel-fired electricity generators in United States
2012	13
2013	13
2014	13
2015	13
2016	12.75
2017	12.5
2018	12.25
2019	11.25
2020	10
2021	8.5
2022	7.25
2023	6.25
2024	6
2025	5.75
2026	3.75
2027	3.5
2028	3.25
2029	3
2030	2.75.

Beginning on page 196, strike line 18 and all that follows through page 201, line 17.

Strike the table that appears on page 203 after line 2 and insert the following:

Calendar year	Percentage for auction for Climate Change Consumer Assistance Fund
2012	15.25
2013	15.5
2014	15.5
2015	15.75
2016	16
2017	16.25
2018	15.75
2019	16.75
2020	16.75
2021	16.75
2022	16.75
2023	16.75
2024	16.75
2025	16.75
2026	16.75
2027	16.75
2028	16.75
2029	16.75
2030	17.75
2031	18
2032	18
2033	18
2034	19
2035	19
2036	19
2037	19
2038	19
2039	19
2040	19
2041	19
2042	19
2043	19
2044	19
2045	19
2046	19
2047	19
2048	19
2049	19
2050	19.

On page 204, between lines 2 and 3, insert the following:

SEC. 584. USE OF FUNDS.

(a) IN GENERAL.—Subject to section 585, of amounts deposited in the Climate Change Consumer Assistance Fund under section 583, the Administrator shall use—

(1) of the proceeds from the auction of the initial 14 percent of the percentage of emission allowances auctioned under section 582 for each calendar year—

(A) not less than 50 percent to provide assistance to low-income households under the program described in subsection (b); and

(B) not less than 50 percent to provide an earned income tax credit in accordance with subsection (c); and

(2) the remaining proceeds from auctions under section 582 to carry out other tax initiatives to protect consumers, especially consumers in greatest need, from increases in energy and other costs as a result of this Act in accordance with subsection (d).

(b) PROGRAM FOR OFFSETTING IMPACTS ON LOWER-INCOME AMERICANS.—

(1) DEFINITIONS.—In this subsection:

(A) ADMINISTRATOR.—The term ''Administrator'' means—

(i) the Administrator of the Environmental Protection Agency; or

(ii) the head of a Federal agency designated by the Administrator for the purposes of this subsection.

(B) ELDERLY OR DISABLED MEMBER.—The term ''elderly or disabled member'' has the meaning given the term in section 3 of the Food Stamp Act of 1977 (7 U.S.C. 2012).

(C) GROSS INCOME.—The term ''gross income'' means the gross income of a household that is determined in accordance with standards and procedures established under section 5 of the Food Stamp Act of 1977 (7 U.S.C. 2014).

(D) HOUSEHOLD.—The term ''household'' means—

(i) an individual who lives alone; or

(ii) a group of individuals who live together.

(E) POVERTY LINE.—The term ''poverty line'' has the meaning given the term in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)), including any revision required by that section.

(F) PROGRAM.—The term ''Program'' means the Climate Change Rebate Program established under paragraph (2).

(G) STATE.—The term ''State'' means—

(i) each of the several States of the United States;

(ii) the District of Columbia;

(iii) the Commonwealth of Puerto Rico;

(iv) Guam;

(v) American Samoa;

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

(vii) the United States Virgin Islands.

(H) STATE AGENCY.—

(i) IN GENERAL.—The term ''State agency'' means an agency of State government that has responsibility for the administration of 1 or more federally aided public assistance programs within the State.

(ii) INCLUSIONS.—The term ''State agency'' includes—

(I) a local office of a State agency described in clause (i); and

(II) in a case in which federally aided public assistance programs of a State are operated on a decentralized basis, a counterpart local agency that administers 1 or more of those programs.

(2) CLIMATE CHANGE REBATE PROGRAM.—The Administrator shall establish and carry out a program, to be known as the ''Climate Change Rebate Program'', under which, at the request of a State agency, eligible low-income households within the State shall be provided an opportunity to receive compensation, through the issuance of a monthly rebate, for use in paying certain increased energy-related costs resulting from the regulation of greenhouse gas emissions under this Act.

(3) ELIGIBILITY.—The Administrator shall limit participation in the Program to—

(A) households that the applicable State agency determines meet the gross income test and the asset test standards described in section 5 of the Food Stamp Act of 1977 (7 U.S.C. 2014); and

(B) households that do not meet those standards, but that include 1 or more individuals who meet the standards described in section 1860D–14 of the Social Security Act (42 U.S.C. 1395w–114).

(C) LIMITATION.—The Administrator shall establish additional eligibility criteria to ensure that—

(i) only United States citizens, United States nationals, and lawfully residing immigrants are eligible to receive a rebate under the Program; and

(ii) each household does not receive more than 1 rebate per month under the Program.

(4) MONTHLY REBATE AMOUNT.—

(A) ESTABLISHMENT.—

(i) IN GENERAL.—The rebate available under the Program for each month of a calendar year shall be established by the Energy Information Administration, in consultation with other appropriate Federal agencies, by not later than October 1 of the preceding calendar year.

(ii) LIMITATION.—The aggregate amount of rebates distributed in any given year shall not exceed the amount described in subsection (a)(1).

(iii) SHORTAGE.—If the amount described in subsection (a)(4) is inadequate to provide monthly rebates to all eligible households, the Administrator shall devise an equitable proration to ensure that all eligible households receive the same portion of the full rebate the eligible households would have been eligible to receive if adequate funds had been provided

(B) METHOD OF CALCULATION.—With respect to the calculation of a monthly rebate under this paragraph—

(i) the maximum monthly rebate provided to a household during any calendar year shall be equal to 1/12 of the projected average annual increase in the costs of goods and services for that calendar year that results from the regulation of greenhouse gas emissions under this Act, taking into consideration—

(I) the size of the household; and

(II) direct and indirect energy costs for consumers in the lowest-income quintile that is affected by the regulation of greenhouse gas emissions, net of the effect of any projected increase in Federal benefits resulting from higher cost-of-living adjustments based on higher energy-related costs;

(ii) each quintile referred to in clause (i)(II) shall—

(I) be based on income adjusted to account for household size; and

(II) represent an equal number of individuals; and

(iii) the amount shall be adjusted by household size, except that the same maximum rebate shall be—

(I) provided to households of 5 or more individuals; and

(II) based on the average cost increases for households of 5 or more individuals.

(C) GREATER THAN 130 PERCENT OF POVERTY LINE.—A household with a gross income that is greater than 130 percent of the poverty line shall not be eligible for a monthly rebate under this subsection.

(5) DELIVERY MECHANISM.—An eligible household shall receive a rebate through an electronic benefit transfer or direct deposit into a bank account designated by the eligible household.

(6) ADMINISTRATION.—

(A) IN GENERAL.—The State agency of each participating State shall assume responsibility for—

(i) the certification of households applying for monthly rebates under this subsection; and

(ii) the issuance, control, and accountability of those rebates.

(B) REIMBURSEMENT OF ADMINISTRATIVE COSTS.—

(i) IN GENERAL.—Subject to such standards as shall be established by the Administrator, the Administrator shall reimburse each State agency for a portion, as described in clauses (ii) and (iii), of the administrative costs involved in the operation by the State agency of the Program.

(ii) INITIAL 3 YEARS.—During the first 3 fiscal years of operation of the Program, the Administrator shall reimburse each State agency for—

(I) 75 percent of the administrative costs of delivering monthly rebates under this subsection; and

(II) 75 percent of any automated data processing improvements or electronic benefit transfer contract amendments that are necessary to provide the monthly rebates.

(iii) SUBSEQUENT YEARS.—During the fourth and subsequent years of operation of the Program, the Administrator shall reimburse each State agency for 50 percent of all administrative costs of delivering the monthly rebates under this subsection.

(C) TREATMENT.—

(i) NOT INCOME OR RESOURCES.—The value of a rebate provided under the Program shall not be considered to be income or a resource for any purpose under any Federal, State, or local law, including laws relating to an income tax, public assistance programs (such as health care, cash aid, child care, nutrition programs, and housing assistance).

(ii) ACTION BY STATE AND LOCAL GOVERNMENTS.—No State or local government a resident of which receives a rebate under the Program shall decrease any assistance that would otherwise be provided to the resident because of receipt of the rebate.

(c) SENSE OF CONGRESS REGARDING EARNED INCOME TAX CREDIT.—It is the sense of Congress that—

(1) the proceeds from the auction of not less than 7 percent of the total quantity of emission allowances auctioned for each calendar year should be used to enhance the earned income tax credit under section 32 of the Internal Revenue Code of 1986 to assist lower-income workers to afford the energy-related costs associated with the regulation of greenhouse gas emissions; and

(2) the Administrator should structure the Climate Change Rebate Program under subsection (b) in a manner than ensures that the program phases out for eligible households that receive an enhanced earned income tax credit as described in this section.

(d) SENSE OF CONGRESS REGARDING ADDITIONAL TAX POLICIES.—It is the sense of Congress that any additional amounts in the Climate Change Consumer Assistance Fund should be used to fund other tax initiatives to protect consumers, especially consumers in greatest need, from increases in energy and other costs as a result of this Act.

On page 204, line 3, strike ''584'' and insert ''585''.

On page 204, strike lines 8 through 14.

On page 205, line 4, strike ''9.5'' and insert ''5.5''.

On page 205, line 17, strike ''9.75'' and insert ''5.75''.

On page 206, line 6, strike ''10'' and insert ''6''.

Beginning on page 207, strike line 22 and all that follows through page 213, line 8.

On page 213, line 9, strike ''(d)'' and insert ''(c)''.

Beginning on page 214, strike line 1 and all that follows through 215, line 9, and insert the following:

(i) to fund cost-effective energy efficiency and demand response programs for all fuels and energy types or in customer-located renewable energy supply in the residential, commercial, and industrial sectors under the oversight of the regulatory agencies of local distribution companies, with significant funding for low-income programs that, in combination with other provisions of this Act, shall be designed to prevent energy bill increases for low-income customers associated with this Act;

(ii) if a local distribution company does not administer energy efficiency programs under the supervision of a regulatory agency, for provision by the local distribution company to the appropriate State energy officer, regulatory agency, or third-party selected by the regulatory agency for use in accordance with this section; and

(iii) during the 5-year period beginning on the date of enactment of this Act, if infrastructure and vendors are not available to cost-effectively implement expanded programs, to provide limited rebates for customers, especially low-income customers, if appropriate.

(B) STATEMENT OF ENCOURAGEMENT.—In carrying out programs under subparagraph (A), local distribution entities are encouraged to give first priority to lowest-income customers.

On page 216, strike lines 8 through 14, and insert the following:

(C)(i) how, and to what extent, the local distribution company used the proceeds of the sale of emission allowances, including the amount of the proceeds directed to each consumer class covered in the form of rebates, energy efficiency, demand response, and distributed generation; and

(ii) the benefits of the programs described in clause (i) with respect to energy and capacity savings and energy generation, using a consistent format and methodology to be developed by the Administrator.

Beginning on page 216, strike line 19 and all that follows through page 217, line 4.

Strike the table that appears on page 280 after line 12 and insert the following:

Calendar year	Percentage for allocation to Early Action Program
2012	3
2013	3
2014	3
2015	2
2016	1.5
2017	1.5
2018	0.5
2019	0.5
2020	0.5
2021	0
2022	0
2023	0
2024	0
2025	0.

SA 4823 Mr. WHITEHOUSE submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. INSTITUTES FOR OCEAN AND COASTAL ADAPTATION.

(a) ESTABLISHMENT.—The Administrator of the National Oceanic and Atmospheric Administration shall establish 4 regional institutes, to be known as ''Institutes for Ocean and Coastal Adaptation'', at institutions of higher education in the United States for research, planning, and related efforts to assess and prepare for the impacts of climate change on ocean and coastal areas, including the Great Lakes.

(b) LOCATION.—The Administrator shall designate the location of 1 of the regional institutes established under subsection (a) at an institution of higher education in each of the following regions:

(1) The Northeast Region, which shall include Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont.

(2) The Southeast and Gulf Coast Region, which shall include Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, Puerto Rico, South Carolina, Texas, Virginia, and the Virgin Islands.

(3) The Western/Pacific Region, which shall include Alaska, American Samoa, California, Guam, Hawaii, the Northern Mariana Islands, Oregon, and Washington.

(4) The Great Lakes Region, which shall include Illinois, Indiana, Michigan, Minnesota, and Ohio, and Wisconsin.

(c) GRANTS AUTHORIZED.—

(1) IN GENERAL.—The Administrator shall award grants to 4 institutions of higher education to carry out the purposes of this section.

(2) APPLICATION.—An institution of higher education seeking to operate an institute under this section shall submit an application to the Administrator at such time, in such manner, and containing such information as the Administrator may reasonably require.

(d) SCHEDULE.—The Administrator shall—

(1) accept applications for grants under this section beginning not later than 9 months after the date of the enactment of this Act; and

(2) award all of the grants authorized under this section not later than 90 days after the first day on which applications are accepted.

(e) OBJECTIVES.—The Institutes for Ocean and Coastal Adaptation shall be centers of excellence that—

(1) document and predict coastal and ocean effects of climate change; and

(2) serve as a principal national and international resource for providing technical expertise on adaptation strategies for ocean and coastal areas to respond to climate change.

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

SA 4824. Mrs. BOXER (for Mr. AKAKA (for himself and Mr. BURR)) proposed an amendment to the bill S. 2162, to improve the treatment and services provided by the Department of Veterans Affairs to veterans with post-traumatic stress disorder and substance use disorders, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Veterans' Mental Health and Other Care Improvements Act of 2008''.

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

Sec. 1. Short title; table of contents.
Sec. 2. References to title 38, United States Code.

TITLE I—HEALTH CARE MATTERS

Sec. 101. Veterans beneficiary travel program.
Sec. 102. Mandatory reimbursement of veterans receiving emergency treatment in non-Department of Veterans Affairs facilities until transfer to Department facilities.
Sec. 103. Epilepsy centers of excellence.
Sec. 104. Establishment of qualifications for peer specialist appointees.

TITLE II—PAIN CARE

Sec. 201. Comprehensive policy on pain management.

TITLE III—SUBSTANCE USE DISORDERS AND MENTAL HEALTH CARE

Sec. 301. Findings on substance use disorders and mental health.
Sec. 302. Expansion of substance use disorder treatment services provided by Department of Veterans Affairs.
Sec. 303. Care for veterans with mental health and substance use disorders.
Sec. 304. National centers of excellence on post-traumatic stress disorder and substance use disorders.
Sec. 305. Report on residential mental health care facilities of the Veterans Health Administration.
Sec. 306. Tribute to Justin Bailey.

TITLE IV—MENTAL HEALTH ACCESSIBILITY ENHANCEMENTS

Sec. 401. Pilot program on peer outreach and support for veterans and use of community mental health centers and Indian Health Service facilities.

TITLE V—MENTAL HEALTH RESEARCH

Sec. 501. Research program on comorbid post-traumatic stress disorder and substance use disorders.
Sec. 502. Extension of authorization for Special Committee on Post-Traumatic Stress Disorder.

TITLE VI—ASSISTANCE FOR FAMILIES OF VETERANS

Sec. 601. Clarification of authority of Secretary of Veterans Affairs to provide mental health services to families of veterans.
Sec. 602. Pilot program on provision of readjustment and transition assistance to veterans and their families in cooperation with Vet Centers.

TITLE VII—HOMELESS VETERANS MATTERS

Sec. 701. Repeal of authority for adjustments to per diem payments to homeless veterans service centers for receipt of other sources of income.
Sec. 702. Expansion and extension of authority for program of referral and counseling services for at-risk veterans transitioning from certain institutions.
Sec. 703. Availability of grant funds to service centers for personnel.
Sec. 704. Permanent authority for domiciliary services for homeless veterans and enhancement of capacity of domiciliary care programs for female veterans.
Sec. 705. Financial assistance for supportive services for very low-income veteran families in permanent housing.

SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—HEALTH CARE MATTERS

SEC. 101. VETERANS BENEFICIARY TRAVEL PROGRAM.

(a) REPEAL OF REQUIREMENT TO ADJUST AMOUNTS DEDUCTED FROM PAYMENTS OR ALLOWANCES FOR BENEFICIARY TRAVEL.—

(1) IN GENERAL.—Section 111(c) is amended—

(A) by striking paragraph (5); and

(B) in paragraph (2), by striking '', except as provided in paragraph (5) of this subsection,''.

(2) REINSTATEMENT OF AMOUNT OF DEDUCTION SPECIFIED BY STATUTE.—Notwithstanding any adjustment made by the Secretary of Veterans Affairs under paragraph (5) of section 111(c) of title 38, United States Code, as such paragraph was in effect before the date of the enactment of this Act, the amount deducted under paragraph (1) of such section 111(c) on or after such date shall be the amount specified in such paragraph.

(b) DETERMINATION OF MILEAGE REIMBURSEMENT RATE.—Section 111(g) is amended—

(1) by amending paragraph (1) to read as follows:

''(1) Subject to paragraph (3), in determining the amount of allowances or reimbursement to be paid under this section, the

Secretary shall use the mileage reimbursement rate for the use of privately owned vehicles by Government employees on official business (when a Government vehicle is available), as prescribed by the Administrator of General Services under section 5707(b) of title 5.'';

(2) by striking paragraphs (3) and (4); and

(3) by inserting after paragraph (2) the following new paragraph (3):

''(3) Subject to the availability of appropriations, the Secretary may modify the amount of allowances or reimbursement to be paid under this section using a mileage reimbursement rate in excess of that prescribed under paragraph (1).''.

(c) REPORT.—Not later than 14 months after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report containing an estimate of the additional costs incurred by the Department of Veterans Affairs because of this section, including—

(1) any costs resulting from increased utilization of healthcare services by veterans eligible for travel allowances or reimbursements under section 111 of title 38, United States Code; and

(2) the additional costs that would be incurred by the Department should the Secretary exercise the authority described in subsection (g)(3) of such section.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to travel expenses incurred after the expiration of the 90-day period that begins on the date of the enactment of this Act.

SEC. 102. MANDATORY REIMBURSEMENT OF VETERANS RECEIVING EMERGENCY TREATMENT IN NON-DEPARTMENT OF VETERANS AFFAIRS FACILITIES UNTIL TRANSFER TO DEPARTMENT FACILITIES.

(a) CERTAIN VETERANS WITHOUT SERVICE-CONNECTED DISABILITY.—Section 1725 is amended—

(1) in subsection (a)(1), by striking ''may reimburse'' and inserting ''shall reimburse''; and

(2) in subsection (f)(1), by striking subparagraph (C) and inserting the following new subparagraph (C):

''(C) until—

''(i) such time as the veteran can be transferred safely to a Department facility or other Federal facility and such facility is capable of accepting such transfer; or

''(ii) such time as a Department facility or other Federal facility accepts such transfer if—

''(I) at the time the veteran could have been transferred safely to a Department facility or other Federal facility, no Department facility or other Federal facility agreed to accept such transfer; and

''(II) the non-Department facility in which such medical care or services was furnished made and documented reasonable attempts to transfer the veteran to a Department facility or other Federal facility.''.

(b) CERTAIN VETERANS WITH SERVICE-CONNECTED DISABILITY.—Section 1728 is amended—

(1) by striking subsection (a) and inserting the following new subsection (a):

''(a) The Secretary shall, under such regulations as the Secretary prescribes, reimburse veterans eligible for hospital care or medical services under this chapter for the customary and usual charges of emergency treatment (including travel and incidental expenses under the terms and conditions set forth in section 111 of this title) for which such veterans have made payment, from sources other than the Department, where such emergency treatment was rendered to such veterans in need thereof for any of the following:

''(1) An adjudicated service-connected disability.

''(2) A non-service-connected disability associated with and held to be aggravating a service-connected disability.

''(3) Any disability of a veteran if the veteran has a total disability permanent in nature from a service-connected disability.

''(4) Any illness, injury, or dental condition of a veteran who—

''(A) is a participant in a vocational rehabilitation program (as defined in section 3101(9) of this title); and

''(B) is medically determined to have been in need of care or treatment to make possible the veteran's entrance into a course of training, or prevent interruption of a course of training, or hasten the return to a course of training which was interrupted because of such illness, injury, or dental condition.'';

(2) in subsection (b), by striking ''care or services'' both places it appears and inserting ''emergency treatment''; and

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

''(c) In this section, the term 'emergency treatment' has the meaning given such term in section 1725(f)(1) of this title.''.

SEC. 103. EPILEPSY CENTERS OF EXCELLENCE.

(a) IN GENERAL.—Subchapter II of chapter 73 is amended by adding at the end the following new section:

''§ 7330A. Epilepsy centers of excellence

''(a) ESTABLISHMENT OF CENTERS.—(1) Not later than 120 days after the date of the enactment of this section, the Secretary shall, upon the recommendation of the Under Secretary for Health, designate not less than six Department health-care facilities as the locations for epilepsy centers of excellence.

''(2) Subject to the availability of appropriations for such purpose, the Secretary shall establish and operate epilepsy centers of excellence at the locations designated pursuant to paragraph (1).

''(b) DESIGNATION OF FACILITIES.—(1) The Secretary may not designate a Department health-care facility as a location for an epilepsy center of excellence under subsection (a)(1) unless the peer review panel established under subsection (c) has determined under that subsection that the proposal submitted by such facility seeking designation as a location for an epilepsy center of excellence is among those proposals that meet the highest competitive standards of scientific and clinical merit.

''(2) In choosing from among the facilities meeting the requirements of paragraph (1), the Secretary shall also consider appropriate geographic distribution when designating the epilepsy centers of excellence under subsection (a)(1).

''(c) PEER REVIEW PANEL.—(1) The Under Secretary for Health shall establish a peer review panel to assess the scientific and clinical merit of proposals that are submitted to the Secretary for the designation of epilepsy centers of excellence under this section.

''(2)(A) The membership of the peer review panel shall consist of experts on epilepsy, including post-traumatic epilepsy.

''(B) Members of the peer review panel shall serve for a period of no longer than two years, except as specified in subparagraph (C).

''(C) Of the members first appointed to the panel, one half shall be appointed for a period of three years and one half shall be appointed for a period of two years, as designated by the Under Secretary at the time of appointment.

''(3) The peer review panel shall review each proposal submitted to the panel by the Under Secretary for Health and shall submit its views on the relative scientific and clinical merit of each such proposal to the Under Secretary.

''(4) The peer review panel shall not be subject to the Federal Advisory Committee Act.

''(d) EPILEPSY CENTER OF EXCELLENCE DEFINED.—In this section, the term 'epilepsy center of excellence' means a Department health-care facility that has (or in the foreseeable future can develop) the necessary capacity to function as a center of excellence in research, education, and clinical care activities in the diagnosis and treatment of epilepsy and has (or may reasonably be anticipated to develop) each of the following:

''(1) An affiliation with an accredited medical school that provides education and training in neurology, including an arrangement with such school under which medical residents receive education and training in the diagnosis and treatment of epilepsy (including neurosurgery).

''(2) The ability to attract the participation of scientists who are capable of ingenuity and creativity in health-care research efforts.

''(3) An advisory committee composed of veterans and appropriate health-care and research representatives of the facility and of the affiliated school or schools to advise the directors of such facility and such center on policy matters pertaining to the activities of the center during the period of the operation of such center.

''(4) The capability to conduct effectively evaluations of the activities of such center.

''(5) The capability to coordinate (as part of an integrated national system) education, clinical care, and research activities within all facilities with such centers.

''(6) The capability to develop jointly a national consortium of providers with interest in treating epilepsy at Department health-care facilities lacking such centers in order to ensure better access to state-of-the-art diagnosis, research, clinical care, and education for traumatic brain injury and epilepsy throughout the health-care system of the Department. Such consortium should include a designated epilepsy referral clinic in each Veterans Integrated Service Network.

''(7) The capability to assist in the expansion of the Department's use of information systems and databases to improve the quality and delivery of care for veterans enrolled within the Department's health care system.

''(8) The capability to assist in the expansion of the Department telehealth program to develop, transmit, monitor, and review neurological diagnostic tests.

''(9) The ability to perform epilepsy research, education, and clinical care activities in collaboration with Department medical facilities that have centers for research, education, and clinical care activities on complex multi-trauma associated with combat injuries established under section 7327 of this title.

''(e) NATIONAL COORDINATOR FOR EPILEPSY PROGRAMS.—(1) To assist the Secretary and the Under Secretary for Health in carrying out this section, the Secretary shall designate an individual in the Veterans Health Administration to act as a national coordinator for epilepsy programs of the Veterans Health Administration.

''(2) The duties of the national coordinator for epilepsy programs shall include the following:

''(A) To supervise the operation of the centers established pursuant to this section.

''(B) To coordinate and support the national consortium of providers with interest in treating epilepsy at Department health-care facilities lacking such centers in order

to ensure better access to state-of-the-art diagnosis, research, clinical care, and education for traumatic brain injury and epilepsy throughout the health-care system of the Department.

''(C) To conduct regular evaluations of the epilepsy centers of excellence to ensure compliance with the requirements of this section.

''(3) In carrying out duties under this subsection, the national coordinator for epilepsy programs shall report to the official of the Veterans Health Administration responsible for neurology.

''(f) AUTHORIZATION OF APPROPRIATIONS.—(1) There are authorized to be appropriated $6,000,000 for each of fiscal years 2009 through 2013 for the support of the clinical care, research, and education activities of the epilepsy centers of excellence established and operated pursuant to subsection (a)(2).

''(2) There are authorized to be appropriated for each fiscal year after fiscal year 2013 such sums as may be necessary for the support of the clinical care, research, and education activities of the epilepsy centers of excellence established and operated pursuant to subsection (a)(2).

''(3) The Secretary shall ensure that funds for such centers are designated for the first three years of operation as a special purpose program for which funds are not allocated through the Veterans Equitable Resource Allocation system.

''(4) In addition to amounts authorized to be appropriated under paragraphs (1) and (2) for a fiscal year, the Under Secretary for Health shall allocate to such centers from other funds appropriated generally for the Department medical services account and medical and prosthetics research account, as appropriate, such amounts as the Under Secretary for Health determines appropriate.

''(5) In addition to amounts authorized to be appropriated under paragraphs (1) and (2) for a fiscal year, there are authorized to be appropriated such sums as may be necessary to fund the national coordinator established by subsection (e).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 73 is amended by inserting after the item relating to section 7330 the following new item:

''7330A. Epilepsy centers of excellence.''.

SEC. 104. ESTABLISHMENT OF QUALIFICATIONS FOR PEER SPECIALIST APPOINTEES.

(a) IN GENERAL.—Section 7402(b) is amended—

(1) by redesignating the paragraph (11) relating to other health-care positions as paragraph (14); and

(2) by inserting after paragraph (12) the following new paragraph (13):

''(13) PEER SPECIALIST.—To be eligible to be appointed to a peer specialist position, a person must—

''(A) be a veteran who has recovered or is recovering from a mental health condition; and

''(B) be certified by—

''(i) a not-for-profit entity engaged in peer specialist training as having met such criteria as the Secretary shall establish for a peer specialist position; or

''(ii) a State as having satisfied relevant State requirements for a peer specialist position.''.

(b) PEER SPECIALIST TRAINING.—Section 7402 is amended by adding at the end the following new subsection:

''(g) The Secretary may enter into contracts with not-for-profit entities to provide—

''(1) peer specialist training to veterans; and

''(2) certification for veterans under subsection (b)(13)(B)(i).''.

TITLE II—PAIN CARE

SEC. 201. COMPREHENSIVE POLICY ON PAIN MANAGEMENT.

(a) COMPREHENSIVE POLICY REQUIRED.—Not later than October 1, 2008, the Secretary of Veterans Affairs shall develop and implement a comprehensive policy on the management of pain experienced by veterans enrolled for health care services provided by the Department of Veterans Affairs.

(b) SCOPE OF POLICY.—The policy required by subsection (a) shall cover each of the following:

(1) The Department-wide management of acute and chronic pain experienced by veterans.

(2) The standard of care for pain management to be used throughout the Department.

(3) The consistent application of pain assessments to be used throughout the Department.

(4) The assurance of prompt and appropriate pain care treatment and management by the Department, system-wide, when medically necessary.

(5) Department programs of research related to acute and chronic pain suffered by veterans, including pain attributable to central and peripheral nervous system damage characteristic of injuries incurred in modern warfare.

(6) Department programs of pain care education and training for health care personnel of the Department.

(7) Department programs of patient education for veterans suffering from acute or chronic pain and their families.

(c) UPDATES.—The Secretary shall revise the policy required by subsection (a) on a periodic basis in accordance with experience and evolving best practice guidelines.

(d) CONSULTATION.—The Secretary shall develop the policy required by subsection (a), and revise such policy under subsection (c), in consultation with veterans service organizations and other organizations with expertise in the assessment, diagnosis, treatment, and management of pain.

(e) ANNUAL REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the completion and initial implementation of the policy required by subsection (a) and on October 1 of every fiscal year thereafter through fiscal year 2018, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the implementation of the policy required by subsection (a).

(2) CONTENTS.—The report required by paragraph (1) shall include the following:

(A) A description of the policy developed and implemented under subsection (a) and any revisions to such policy under subsection (c).

(B) A description of the performance measures used to determine the effectiveness of such policy in improving pain care for veterans system-wide.

(C) An assessment of the adequacy of Department pain management services based on a survey of patients managed in Department clinics.

(D) A assessment of the research projects of the Department relevant to the treatment of the types of acute and chronic pain suffered by veterans.

(E) An assessment of the training provided to Department health care personnel with respect to the diagnosis, treatment, and management of acute and chronic pain.

(F) An assessment of the patient pain care education programs of the Department.

(f) VETERANS SERVICE ORGANIZATION DEFINED.—In this section, the term ''veterans service organization'' means any organization recognized by the Secretary for the representation of veterans under section 5902 of title 38, United States Code.

TITLE III—SUBSTANCE USE DISORDERS AND MENTAL HEALTH CARE

SEC. 301. FINDINGS ON SUBSTANCE USE DISORDERS AND MENTAL HEALTH.

Congress makes the following findings:

(1) More than 1,500,000 members of the Armed Forces have been deployed in Operation Iraqi Freedom and Operation Enduring Freedom. The 2005 Department of Defense Survey of Health Related Behaviors Among Active Duty Personnel reports that 23 percent of members of the Armed Forces on active duty acknowledge a significant problem with alcohol use, with similar rates of acknowledged problems with alcohol use among members of the National Guard.

(2) The effects of substance abuse are wide ranging, including significantly increased risk of suicide, exacerbation of mental and physical health disorders, breakdown of family support, and increased risk of unemployment and homelessness.

(3) While veterans suffering from mental health conditions, chronic physical illness, and polytrauma may be at increased risk for development of a substance use disorder, treatment for these veterans is complicated by the need to address adequately the physical and mental symptoms associated with these conditions through appropriate medical intervention.

(4) While the Veterans Health Administration has dramatically increased health services for veterans from 1996 through 2006, the number of veterans receiving specialized substance abuse treatment services decreased 18 percent during that time. No comparable decrease in the national rate of substance abuse has been observed during that time.

(5) While some facilities of the Veterans Health Administration provide exemplary substance use disorder treatment services, the availability of such treatment services throughout the health care system of the Veterans Health Administration is inconsistent.

(6) According to the Government Accountability Office, the Department of Veterans Affairs significantly reduced its substance use disorder treatment and rehabilitation services between 1996 and 2006, and has made little progress since in restoring these services to their pre-1996 levels.

SEC. 302. EXPANSION OF SUBSTANCE USE DISORDER TREATMENT SERVICES PROVIDED BY DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall ensure the provision of such services and treatment to each veteran enrolled in the health care system of the Department of Veterans Affairs who is in need of services and treatments for a substance use disorder as follows:

(1) Short term motivational counseling services.

(2) Intensive outpatient or residential care services.

(3) Relapse prevention services.

(4) Ongoing aftercare and outpatient counseling services.

(5) Opiate substitution therapy services.

(6) Pharmacological treatments aimed at reducing craving for drugs and alcohol.

(7) Detoxification and stabilization services.

(8) Such other services as the Secretary considers appropriate.

(b) PROVISION OF SERVICES.—The services and treatments described in subsection (a) may be provided to a veteran described in such subsection—

(1) at Department of Veterans Affairs medical centers or clinics;

(2) by referral to other facilities of the Department that are accessible to such veteran; or

(3) by contract or fee-for-service payments with community-based organizations for the provision of such services and treatments.

(c) ALTERNATIVES IN CASE OF SERVICES DENIED DUE TO CLINICAL NECESSITY.—If the Secretary denies the provision to a veteran of services or treatment for a substance use disorder due to clinical necessity, the Secretary shall provide the veteran such other services or treatments as are medically appropriate.

(d) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report setting forth, for each medical facility of the Department, the availability of the following:

(1) Medically supervised withdrawal management.

(2) Programs for treatment of alcohol and other substance use disorders that are—

(A) integrated with primary health care services; or

(B) available as specialty substance use disorder services.

(3) Specialty programs for the treatment of post-traumatic stress disorder.

(4) Programs to treat veterans who are diagnosed with both a substance use disorder and a mental health disorder.

SEC. 303. CARE FOR VETERANS WITH MENTAL HEALTH AND SUBSTANCE USE DISORDERS.

(a) IN GENERAL.—If the Secretary of Veterans Affairs provides a veteran inpatient or outpatient care for a substance use disorder and a comorbid mental health disorder, the Secretary shall ensure that treatment for such disorders is provided concurrently—

(1) through a service provided by a clinician or health professional who has training and expertise in treatment of substance use disorders and mental health disorders;

(2) by separate substance use disorder and mental health disorder treatment services when there is appropriate coordination, collaboration, and care management between such treatment services; or

(3) by a team of clinicians with appropriate expertise.

(b) TEAM OF CLINICIANS WITH APPROPRIATE EXPERTISE DEFINED.—In this section, the term ''team of clinicians with appropriate expertise'' means a team consisting of the following:

(1) Clinicians and health professionals with expertise in treatment of substance use disorders and mental health disorders who act in coordination and collaboration with each other.

(2) Such other professionals as the Secretary considers appropriate for the provision of treatment to veterans for substance use and mental health disorders.

SEC. 304. NATIONAL CENTERS OF EXCELLENCE ON POST-TRAUMATIC STRESS DISORDER AND SUBSTANCE USE DISORDERS.

(a) IN GENERAL.—Subchapter II of chapter 73, as amended by sections 210 and 303 of this Act, is further amended by adding at the end the following new section:

''§ 7330C. National centers of excellence on post-traumatic stress disorder and substance use disorders

''(a) ESTABLISHMENT OF CENTERS.—(1) The Secretary shall establish not less than six national centers of excellence on post-traumatic stress disorder and substance use disorders.

''(2) The purpose of the centers established under this section is to serve as Department facilities that provide comprehensive inpatient or residential treatment and recovery services for veterans diagnosed with both post-traumatic stress disorder and a substance use disorder.

''(b) LOCATION.—Each center established in accordance with subsection (a) shall be located at a medical center of the Department that—

''(1) provides specialized care for veterans with post-traumatic stress disorder and a substance use disorder; and

''(2) is geographically situated in an area with a high number of veterans that have been diagnosed with both post-traumatic stress disorder and substance use disorder.

''(c) PROCESS OF REFERRAL AND TRANSITION TO STEP DOWN DIAGNOSIS REHABILITATION TREATMENT PROGRAMS.—The Secretary shall establish a process to refer and aid the transition of veterans from the national centers of excellence on post-traumatic stress disorder and substance use disorders established pursuant to subsection (a) to programs that provide step down rehabilitation treatment for individuals with post-traumatic stress disorder and substance use disorders.

''(d) COLLABORATION WITH THE NATIONAL CENTER FOR POST-TRAUMATIC STRESS DISORDER.—The centers established under this section shall collaborate in the research of the National Center for Post-Traumatic Stress Disorder.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 73 is amended by inserting after the item relating to section 7330 the following new item:

''7330C. National centers of excellence on post-traumatic stress disorder and substance use disorders.''.

SEC. 305. REPORT ON RESIDENTIAL MENTAL HEALTH CARE FACILITIES OF THE VETERANS HEALTH ADMINISTRATION.

(a) REVIEWS.—The Secretary of Veterans Affairs shall, acting through the Office of Mental Health Services of the Department of Veterans Affairs—

(1) not later than six months after the date of the enactment of this Act, conduct a review of all residential mental health care facilities, including domiciliary facilities, of the Veterans Health Administration; and

(2) not later than two years after the date of the completion of the review required by paragraph (1), conduct a follow-up review of such facilities to evaluate any improvements made or problems remaining since the review under paragraph (1) was completed.

(b) REPORT.—Not later than 90 days after the completion of the review required by subsection (a)(1), the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on such review. The report shall include the following:

(1) A description of the availability of care in residential mental health care facilities in each Veterans Integrated Service Network (VISN).

(2) An assessment of the supervision and support provided in the residential mental health care facilities of the Veterans Health Administration.

(3) The ratio of staff members at each residential mental health care facility to patients at such facility.

(4) An assessment of the appropriateness of rules and procedures for the prescription and administration of medications to patients in such residential mental health care facilities.

(5) A description of the protocols at each residential mental health care facility for handling missed appointments.

(6) Any recommendations the Secretary considers appropriate for improvements to such residential mental health care facilities and the care provided in such facilities.

SEC. 306. TRIBUTE TO JUSTIN BAILEY.

This title is enacted in tribute to Justin Bailey, who, after returning to the United States from service as a member of the Armed Forces in Operation Iraqi Freedom, died in a domiciliary facility of the Department of Veterans Affairs while receiving care for post-traumatic stress disorder and a substance use disorder.

TITLE IV—MENTAL HEALTH ACCESSIBILITY ENHANCEMENTS

SEC. 401. PILOT PROGRAM ON PEER OUTREACH AND SUPPORT FOR VETERANS AND USE OF COMMUNITY MENTAL HEALTH CENTERS AND INDIAN HEALTH SERVICE FACILITIES.

(a) PILOT PROGRAM REQUIRED.—Commencing not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall carry out a pilot program to assess the feasability and advisability of providing to veterans of Operation Iraqi Freedom and Operation Enduring Freedom, and, in particular, veterans who served in such operations as a member of the National Guard or Reserve, the following:

(1) Peer outreach services.

(2) Peer support services provided by licensed providers of peer support services or veterans who have personal experience with mental illness.

(3) Readjustment counseling services described in section 1712A of title 38, United States Code.

(4) Other mental health services.

(b) PROVISION OF CERTAIN SERVICES.—In providing services described in paragraphs (3) and (4) of subsection (a) under the pilot program to veterans who reside in rural areas and do not have adequate access through the Department of Veterans Affairs to the services described in such paragraphs, the Secretary shall, acting through the Office of Mental Health Services and the Office of Rural Health, provide such services as follows:

(1) Through community mental health centers or other entities under contracts or other agreements for the provision of such services that are entered into for purposes of the pilot program.

(2) Through the Indian Health Service pursuant to a memorandum of understanding entered into by the Secretary of Veterans Affairs and the Secretary of Health and Human Services for purposes of the pilot program.

(c) DURATION.—The pilot program shall be carried out during the three-year period beginning on the date of the commencement of the pilot program.

(d) PROGRAM LOCATIONS.—

(1) IN GENERAL.—The pilot program shall be carried out within areas selected by the Secretary for the purpose of the pilot program in at least two Veterans Integrated Service Networks (VISN).

(2) RURAL GEOGRAPHIC LOCATIONS.—The locations selected shall be in rural geographic locations that, as determined by the Secretary, lack access to comprehensive mental health services through the Department of Veterans Affairs.

(3) QUALIFIED PROVIDERS.—In selecting locations for the pilot program, the Secretary shall select locations in which an adequate number of licensed mental health care providers with credentials equivalent to those of Department mental health care providers are available in Indian Health Service facilities, community mental health centers, and other entities are available for participation in the pilot program.

(e) PARTICIPATION IN PROGRAM.—Each community mental health center, facility of the

Indian Health Service, or other entity participating in the pilot program under subsection (b) shall—

(1) provide the services described in paragraphs (3) and (4) of subsection (a) to eligible veterans, including, to the extent practicable, telehealth services that link the center or facility with Department of Veterans Affairs clinicians;

(2) use the clinical practice guidelines of the Veterans Health Administration or the Department of Defense in the provision of such services; and

(3) meet such other requirements as the Secretary shall require.

(f) COMPLIANCE WITH DEPARTMENT PROTOCOLS.—Each community mental health center, facility of the Indian Health Service, or other entity participating in the pilot program under subsection (b) shall comply with—

(1) applicable protocols of the Department before incurring any liability on behalf of the Department for the provision of services as part of the pilot program; and

(2) access and quality standards of the Department relevant to the provision of services as part of the pilot program.

(g) PROVISION OF CLINICAL INFORMATION.—Each community mental health center, facility of the Indian Health Service, or other entity participating in the pilot program under subsection (b) shall, in a timely fashion, provide the Secretary with such clinical information on each veteran for whom such health center or facility provides mental health services under the pilot program as the Secretary shall require.

(h) TRAINING.—

(1) TRAINING OF VETERANS.—As part of the pilot program, the Secretary shall carry out a program of training for veterans described in subsection (a) to provide the services described in paragraphs (1) and (2) of such subsection.

(2) TRAINING OF CLINICIANS.—

(A) IN GENERAL.—The Secretary shall conduct a training program for clinicians of community mental health centers, Indian Health Service facilities, or other entities participating in the pilot program under subsection (b) to ensure that such clinicians can provide the services described in paragraphs (3) and (4) of subsection (a) in a manner that accounts for factors that are unique to the experiences of veterans who served on active duty in Operation Iraqi Freedom or Operation Enduring Freedom (including their combat and military training experiences).

(B) PARTICIPATION IN TRAINING.—Personnel of each community mental health center, facility of the Indian Health Service, or other entity participating in the pilot program under subsection (b) shall participate in the training program conducted pursuant to subparagraph (A).

(i) ANNUAL REPORTS.—Each community mental health center, facility of the Indian Health Service, or other entity participating in the pilot program under subsection (b) shall submit to the Secretary on an annual basis a report containing, with respect to the provision of services under subsection (b) and for the last full calendar year ending before the submission of such report—

(1) the number of—

(A) veterans served; and

(B) courses of treatment provided; and

(2) demographic information for such services, diagnoses, and courses of treatment.

(j) PROGRAM EVALUATION.—

(1) IN GENERAL.—The Secretary shall, through Department of Veterans Affairs Mental Health Services investigators and in collaboration with relevant program offices of the Department, design and implement a strategy for evaluating the pilot program.

(2) ELEMENTS.—The strategy implemented under paragraph (1) shall assess the impact that contracting with community mental health centers, the Indian Health Service, and other entities participating in the pilot program under subsection (b) has on the following:

(A) Access to mental health care by veterans in need of such care.

(B) The use of telehealth services by veterans for mental health care needs.

(C) The quality of mental health care and substance use disorder treatment services provided to veterans in need of such care and services.

(D) The coordination of mental health care and other medical services provided to veterans.

(k) DEFINITIONS.—In this section:

(1) The term ''community mental health center'' has the meaning given such term in section 410.2 of title 42, Code of Federal Regulations (as in effect on the day before the date of the enactment of this Act).

(2) The term ''eligible veteran'' means a veteran in need of mental health services who—

(A) is enrolled in the Department of Veterans Affairs health care system; and

(B) has received a referral from a health professional of the Veterans Health Administration to a community mental health center, a facility of the Indian Health Service, or other entity for purposes of the pilot program.

(3) The term ''Indian Health Service'' means the organization established by section 601(a) of the Indian Health Care Improvement Act (25 U.S.C. 1661(a)).

(l) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

TITLE V—MENTAL HEALTH RESEARCH

SEC. 501. RESEARCH PROGRAM ON COMORBID POST-TRAUMATIC STRESS DISORDER AND SUBSTANCE USE DISORDERS.

(a) PROGRAM REQUIRED.—The Secretary of Veterans Affairs shall carry out a program of research into comorbid post-traumatic stress disorder (PTSD) and substance use disorder.

(b) DISCHARGE THROUGH NATIONAL CENTER FOR POSTTRAUMATIC STRESS DISORDER.—The research program required by subsection (a) shall be carried out by the National Center for Posttraumatic Stress Disorder. In carrying out the program, the Center shall—

(1) develop protocols and goals with respect to research under the program; and

(2) coordinate research, data collection, and data dissemination under the program.

(c) RESEARCH.—The program of research required by subsection (a) shall address the following:

(1) Comorbid post-traumatic stress disorder and substance use disorder.

(2) The systematic integration of treatment for post-traumatic stress disorder with treatment for substance use disorder.

(3) The development of protocols to evaluate care of veterans with comorbid post-traumatic stress disorder and substance use disorder and to facilitate cumulative clinical progress of such veterans over time.

(d) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Department of Veterans Affairs for each of fiscal years 2008 through 2011, $2,000,000 to carry out this section.

(2) AVAILABILITY.—Amounts authorized to be appropriated by paragraph (1) shall be made available to the National Center on Posttraumatic Stress Disorder for the purpose specified in that paragraph.

(3) SUPPLEMENT NOT SUPPLANT.—Any amount made available to the National Center on Posttraumatic Stress Disorder for a fiscal year under paragraph (2) is in addition to any other amounts made available to the National Center on Posttraumatic Stress Disorder for such year under any other provision of law.

SEC. 502. EXTENSION OF AUTHORIZATION FOR SPECIAL COMMITTEE ON POST-TRAUMATIC STRESS DISORDER.

Section 110(e)(2) of the Veterans' Health Care Act of 1984 (38 U.S.C. 1712A note; Public Law 98–528) is amended by striking ''through 2008'' and inserting ''through 2012''.

TITLE VI—ASSISTANCE FOR FAMILIES OF VETERANS

SEC. 601. CLARIFICATION OF AUTHORITY OF SECRETARY OF VETERANS AFFAIRS TO PROVIDE MENTAL HEALTH SERVICES TO FAMILIES OF VETERANS.

(a) IN GENERAL.—Chapter 17 is amended—

(1) in section 1701(5)(B)—

(A) by inserting ''marriage and family counseling,'' after ''professional counseling,''; and

(B) by striking ''as may be essential to'' and inserting ''as the Secretary considers appropriate for''; and

(2) in subsections (a) and (b) of section 1782, by inserting ''marriage and family counseling,'' after ''professional counseling,''.

(b) LOCATION.—Paragraph (5) of section 1701 of title 38, United States Code, shall not be construed to prevent the Secretary of Veterans Affairs from providing services described in subparagraph (B) of such paragraph to individuals described in such subparagraph in centers under section 1712A of such title (commonly referred to as ''Vet Centers''), Department of Veterans Affairs medical centers, community-based outpatient clinics, or in such other facilities of the Department of Veterans Affairs as the Secretary considers necessary.

SEC. 602. PILOT PROGRAM ON PROVISION OF READJUSTMENT AND TRANSITION ASSISTANCE TO VETERANS AND THEIR FAMILIES IN COOPERATION WITH VET CENTERS.

(a) PILOT PROGRAM.—The Secretary of Veterans Affairs shall carry out, through a non-Department of Veterans Affairs entity, a pilot program to assess the feasability and advisability of providing readjustment and transition assistance described in subsection (b) to veterans and their families in cooperation with centers under section 1712A of title 38, United States Code (commonly referred to as ''Vet Centers'').

(b) READJUSTMENT AND TRANSITION ASSISTANCE.—Readjustment and transition assistance described in this subsection is assistance as follows:

(1) Readjustment and transition assistance that is preemptive, proactive, and principle-centered.

(2) Assistance and training for veterans and their families in coping with the challenges associated with making the transition from military to civilian life.

(c) NON-DEPARTMENT OF VETERANS AFFAIRS ENTITY.—

(1) IN GENERAL.—The Secretary shall carry out the pilot program through any for-profit or non-profit organization selected by the Secretary for purposes of the pilot program that has demonstrated expertise and experience in the provision of assistance and training described in subsection (b).

(2) CONTRACT OR AGREEMENT.—The Secretary shall carry out the pilot program through a non-Department entity described in paragraph (1) pursuant to a contract or other agreement entered into by the Secretary and the entity for purposes of the pilot program.

(d) DURATION OF PILOT PROGRAM.—The pilot program shall be carried out during the three-year period beginning on the date of

the enactment of this Act, and may be carried out for additional one-year periods thereafter.

(e) LOCATION OF PILOT PROGRAM.—

(1) IN GENERAL.—The Secretary of Veterans Affairs shall provide assistance under the pilot program in cooperation with 10 centers described in subsection (a) designated by the Secretary for purposes of the pilot program.

(2) DESIGNATIONS.—In designating centers described in subsection (a) for purposes of the pilot program, the Secretary shall designate centers so as to provide a balanced geographical representation of such centers throughout the United States, including the District of Columbia, the Commonwealth of Puerto Rico, tribal lands, and other territories and possessions of the United States.

(f) PARTICIPATION OF CENTERS.—A center described in subsection (a) that is designated under subsection (e) for participation in the pilot program shall participate in the pilot program by promoting awareness of the assistance and training available to veterans and their families through—

(1) the facilities and other resources of such center;

(2) the non-Department of Veterans Affairs entity selected pursuant to subsection (c); and

(3) other appropriate mechanisms.

(g) ADDITIONAL SUPPORT.—In carrying out the pilot program, the Secretary of Veterans Affairs may enter into contracts or other agreements, in addition to the contract or agreement described in subsection (c), with such other non-Department of Veterans Affairs entities meeting the requirements of subsection (c) as the Secretary considers appropriate for purposes of the pilot program.

(h) REPORT ON PILOT PROGRAM.—

(1) REPORT REQUIRED.—Not later than six months after the date of the conclusion of the pilot program, the Secretary shall submit to the congressional veterans affairs committees a report on the pilot program.

(2) ELEMENTS.—Each report under paragraph (1) shall include the following:

(A) A description of the activities under the pilot program as of the date of such report, including the number of veterans and families provided assistance under the pilot program and the scope and nature of the assistance so provided.

(B) A current assessment of the effectiveness of the pilot program.

(C) Any recommendations that the Secretary considers appropriate for the extension or expansion of the pilot program.

(3) CONGRESSIONAL VETERANS AFFAIRS COMMITTEES DEFINED.—In this subsection, the term ''congressional veterans affairs committees'' means—

(A) the Committees on Veterans' Affairs and Appropriations of the Senate; and

(B) the Committees on Veterans' Affairs and Appropriations of the House of Representatives.

(i) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated for the Department of Veterans Affairs for each of fiscal years 2009 through 2011 $1,000,000 to carry out this section.

(2) AVAILABILITY.—Amounts authorized to be appropriated by paragraph (1) shall remain available until expended.

TITLE VII—HOMELESS VETERANS MATTERS

SEC. 701. REPEAL OF AUTHORITY FOR ADJUSTMENTS TO PER DIEM PAYMENTS TO HOMELESS VETERANS SERVICE CENTERS FOR RECEIPT OF OTHER SOURCES OF INCOME.

Section 2012(a)(2) is amended—

(1) by striking subparagraphs (B) and (D);

(2) in subparagraph (A)—

(A) by striking ''The rate'' and inserting ''Except as provided in subparagraph (B), the rate'';

(B) by striking ''adjusted by the Secretary under subparagraph (B)''; and

(C) by designating the second sentence as subparagraph (B) and indenting the margin of such subparagraph, as so designated, two ems from the left margin; and

(3) in subparagraph (C), by striking ''to make the adjustment under subparagraph (B)''.

SEC. 702. EXPANSION AND EXTENSION OF AUTHORITY FOR PROGRAM OF REFERRAL AND COUNSELING SERVICES FOR AT-RISK VETERANS TRANSITIONING FROM CERTAIN INSTITUTIONS.

(a) PROGRAM AUTHORITY.—Subsection (a) of section 2023 is amended by striking ''a demonstration program for the purpose of determining the costs and benefits of providing'' and inserting ''a program of''.

(b) SCOPE OF PROGRAM.—Subsection (b) of such section is amended—

(1) by striking ''DEMONSTRATION'' in the subsection heading;

(2) by striking ''demonstration''; and

(3) by striking ''in at least six locations'' and inserting ''in at least 12 locations''.

(c) EXTENSION OF AUTHORITY.—Subsection (d) of such section is amended by striking ''shall cease'' and all that follows and inserting ''shall cease on September 30, 2012.''.

(d) CONFORMING AMENDMENTS.—

(1) Subsection (c)(1) of such section is amended by striking ''demonstration''.

(2) The heading of such section is amended to read as follows:

''§ 2023. Referral and counseling services: veterans at risk of homelessness who are transitioning from certain institutions''.

(3) Section 2022(f)(2)(C) of such title is amended by striking ''demonstration''.

(e) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 20 is amended by striking the item relating to section 2023 and inserting the following:

''2023. Referral and counseling services: veterans at risk of homelessness who are transitioning from certain institutions.''.

SEC. 703. AVAILABILITY OF GRANT FUNDS TO SERVICE CENTERS FOR PERSONNEL.

Section 2011 is amended by adding at the end the following new subsection:

''(i) AVAILABILITY OF GRANT FUNDS FOR SERVICE CENTER PERSONNEL.—A grant under this section for a service center for homeless veterans may be used to provide funding for staff as necessary in order for the center to meet the service availability requirements of subsection (g)(1).''.

SEC. 704. PERMANENT AUTHORITY FOR DOMICILIARY SERVICES FOR HOMELESS VETERANS AND ENHANCEMENT OF CAPACITY OF DOMICILIARY CARE PROGRAMS FOR FEMALE VETERANS.

Subsection (b) of section 2043 is amended to read as follows:

''(b) ENHANCEMENT OF CAPACITY OF DOMICILIARY CARE PROGRAMS FOR FEMALE VETERANS.—The Secretary shall take appropriate actions to ensure that the domiciliary care programs of the Department are adequate, with respect to capacity and with respect to safety, to meet the needs of veterans who are women.''.

SEC. 705. FINANCIAL ASSISTANCE FOR SUPPORTIVE SERVICES FOR VERY LOW-INCOME VETERAN FAMILIES IN PERMANENT HOUSING.

(a) PURPOSE.—The purpose of this section is to facilitate the provision of supportive services for very low-income veteran families in permanent housing.

(b) FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—Subchapter V of chapter 20 of title 38, United States Code, is amended by adding at the end the following new section:

''§ 2044. Financial assistance for supportive services for very low-income veteran families in permanent housing

''(a) DISTRIBUTION OF FINANCIAL ASSISTANCE.—(1) The Secretary shall provide financial assistance to eligible entities approved under this section to provide and coordinate the provision of supportive services described in subsection (b) for very low-income veteran families occupying permanent housing.

''(2) Financial assistance under this section shall consist of grants for each such family for which an approved eligible entity is providing or coordinating the provision of supportive services.

''(3)(A) The Secretary shall provide such grants to each eligible entity that is providing or coordinating the provision of supportive services.

''(B) The Secretary is authorized to establish intervals of payment for the administration of such grants and establish a maximum amount to be awarded, in accordance with the services being provided and their duration.

''(4) In providing financial assistance under paragraph (1), the Secretary shall give preference to entities providing or coordinating the provision of supportive services for very low-income veteran families who are transitioning from homelessness to permanent housing.

''(5) The Secretary shall ensure that, to the extent practicable, financial assistance under this subsection is equitably distributed across geographic regions, including rural communities and tribal lands.

''(6) Each entity receiving financial assistance under this section to provide supportive services to a very low-income veteran family shall notify that family that such services are being paid for, in whole or in part, by the Department.

''(7) The Secretary may require entities receiving financial assistance under this section to submit a report to the Secretary that describes the projects carried out with such financial assistance.

''(b) SUPPORTIVE SERVICES.—The supportive services referred to in subsection (a) are the following:

''(1) Services provided by an eligible entity or a subcontractor of an eligible entity that address the needs of very low-income veteran families occupying permanent housing, including—

''(A) outreach services;

''(B) case management services;

''(C) assistance in obtaining any benefits from the Department which the veteran may be eligible to receive, including, but not limited to, vocational and rehabilitation counseling, employment and training service, educational assistance, and health care services; and

''(D) assistance in obtaining and coordinating the provision of other public benefits provided in federal, State, or local agencies, or any organization defined in subsection (f), including—

''(i) health care services (including obtaining health insurance);

''(ii) daily living services;

''(iii) personal financial planning;

''(iv) transportation services;

''(v) income support services;

''(vi) fiduciary and representative payee services;

''(vii) legal services to assist the veteran family with issues that interfere with the family's ability to obtain or retain housing or supportive services;

''(viii) child care;

''(ix) housing counseling; and

''(x) other services necessary for maintaining independent living.

''(2) Services described in paragraph (1) that are delivered to very low-income veteran families who are homeless and who are scheduled to become residents of permanent housing within 90 days pending the location or development of housing suitable for permanent housing.

''(3) Services described in paragraph (1) for very low-income veteran families who have voluntarily chosen to seek other housing after a period of tenancy in permanent housing, that are provided, for a period of 90 days after such families exit permanent housing or until such families commence receipt of other housing services adequate to meet their current needs, but only to the extent that services under this paragraph are designed to support such families in their choice to transition into housing that is responsive to their individual needs and preferences.

''(c) APPLICATION FOR FINANCIAL ASSISTANCE.—(1) An eligible entity seeking financial assistance under subsection (a) shall submit to the Secretary an application therefor in such form, in such manner, and containing such commitments and information as the Secretary determines to be necessary to carry out this section.

''(2) Each application submitted by an eligible entity under paragraph (1) shall contain—

''(A) a description of the supportive services proposed to be provided by the eligible entity and the identified needs for those services;

''(B) a description of the types of very low-income veteran families proposed to be provided such services;

''(C) an estimate of the number of very low-income veteran families proposed to be provided such services;

''(D) evidence of the experience of the eligible entity in providing supportive services to very low-income veteran families; and

''(E) a description of the managerial capacity of the eligible entity—

''(i) to coordinate the provision of supportive services with the provision of permanent housing by the eligible entity or by other organizations;

''(ii) to assess continuously the needs of very low-income veteran families for supportive services;

''(iii) to coordinate the provision of supportive services with the services of the Department;

''(iv) to tailor supportive services to the needs of very low-income veteran families; and

''(v) to seek continuously new sources of assistance to ensure the long-term provision of supportive services to very low-income veteran families.

''(3) The Secretary shall establish criteria for the selection of eligible entities to be provided financial assistance under this section.

''(d) TECHNICAL ASSISTANCE.—(1) The Secretary shall provide training and technical assistance to participating eligible entities regarding the planning, development, and provision of supportive services to very low-income veteran families occupying permanent housing, through the Technical Assistance grants program in section 2064 of this title.

''(2) The Secretary may provide the training described in paragraph (1) directly or through grants or contracts with appropriate public or nonprofit private entities.

''(e) FUNDING.—(1) From amounts appropriated to the Department for Medical Services, there shall be available to carry out subsection (a), (b), and (c) amounts as follows:

''(A) $15,000,000 for fiscal year 2009.

''(B) $20,000,000 for fiscal year 2010.

''(C) $25,000,000 for fiscal year 2011.

''(2) Not more than $750,000 may be available under paragraph (1) in any fiscal year to provide technical assistance under subsection (d).

''(3) There is authorized to be appropriated $1,000,000 for each of the fiscal year 2008 through 2010 to carry out the provisions of subsection (d).

''(f) DEFINITIONS.—In this section:

''(1) The term 'consumer cooperative' has the meaning given such term in section 202 of the Housing Act of 1959 (12 U.S.C. 1701q).

''(2) The term 'eligible entity' means—

''(A) a private nonprofit organization; or

''(B) a consumer cooperative.

''(3) The term 'homeless' has the meaning given that term in section 103 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302).

''(4) The term 'permanent housing' means community-based housing without a designated length of stay.

''(5) The term 'private nonprofit organization' means any of the following:

''(A) Any incorporated private institution or foundation—

''(i) no part of the net earnings of which inures to the benefit of any member, founder, contributor, or individual;

''(ii) which has a governing board that is responsible for the operation of the supportive services provided under this section; and

''(iii) which is approved by the Secretary as to financial responsibility.

''(B) A for-profit limited partnership, the sole general partner of which is an organization meeting the requirements of clauses (i), (ii), and (iii) of subparagraph (A).

''(C) A corporation wholly owned and controlled by an organization meeting the requirements of clauses (i), (ii), and (iii) of subparagraph (A).

''(D) A tribally designated housing entity (as defined in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103)).

''(6)(A) Subject to subparagraphs (B) and (C), the term 'very low-income veteran family' means a veteran family whose income does not exceed 50 percent of the median income for an area specified by the Secretary for purposes of this section, as determined by the Secretary in accordance with this paragraph.

''(B) The Secretary shall make appropriate adjustments to the income requirement under subparagraph (A) based on family size.

''(C) The Secretary may establish an income ceiling higher or lower than 50 percent of the median income for an area if the Secretary determines that such variations are necessary because the area has unusually high or low construction costs, fair market rents (as determined under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f)), or family incomes.

''(7) The term 'veteran family' includes a veteran who is a single person and a family in which the head of household or the spouse of the head of household is a veteran.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 20 of such title is amended by inserting after the item relating to section 2043 the following new item:

''2044. Financial assistance for supportive services for very low-income veteran families in permanent housing.''.

(c) STUDY OF EFFECTIVENESS OF PERMANENT HOUSING PROGRAM.—

(1) IN GENERAL.—For fiscal years 2009 and 2010, the Secretary shall conduct a study of the effectiveness of the permanent housing program under section 2044 of title 38, United States Code, as added by subsection (b), in meeting the needs of very low-income veteran families, as that term is defined in that section.

(2) COMPARISON.—In the study required by paragraph (1), the Secretary shall compare the results of the program referred to in that subsection with other programs of the Department of Veterans Affairs dedicated to the delivery of housing and services to veterans.

(3) CRITERIA.—In making the comparison required in paragraph (2), the Secretary shall examine the following:

(A) The satisfaction of veterans targeted by the programs described in paragraph (2).

(B) The health status of such veterans.

(C) The housing provided such veterans under such programs.

(D) The degree to which such veterans are encouraged to productive activity by such programs.

(4) REPORT.—Not later than March 31, 2011, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the results of the study required by paragraph (1).

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, June 3, 2008, at 9:30 a.m.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on June 3, 2008, at 2:30 p.m.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Tuesday, June 3, 2008, at 10 a.m., in room 253 of the Russell Senate Office Building.

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

COMMITTEE ON FINANCE

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Tuesday, June 3, 2008, at 10 a.m., in room 215 of the Dirksen Senate Office Building.

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

PRIVILEGES OF THE FLOOR

Mr. CORNYN. Mr. President, I ask unanimous consent that Kellen McAnulty, an intern in my office, be granted floor privileges for the remainder of this work period.

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

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that Sara Sanders of my staff be granted the privilege of the floor.

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

Mr. ISAKSON. Mr. President, I ask unanimous consent that Mr. Duncan Hill of my staff be allowed floor privileges for the remainder of this debate.

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

Mr. CORKER. Mr. President, I ask unanimous consent that Sophie Trads from my staff be granted floor privileges for the duration of my remarks.

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

Mrs. BOXER. Mr. President, I ask unanimous consent, on behalf of Senator CARDIN, that Michael Morgan, a fellow from his office, be granted the privilege of the floor for the duration of the debate on S. 3036.

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

STAR PRINT—S. 2307

Mrs. BOXER. Mr. President, I ask unanimous consent that S. 2307, the Global Change Research Improvement Act of 2007, be star printed with the changes at the desk.

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

VETERANS MENTAL HEALTH AND OTHER CARE IMPROVEMENTS ACT OF 2008

Mrs. BOXER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 632, S. 2162.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2162) to improve the treatment and services provided by the Department of Veterans Affairs to veterans with post-traumatic stress disorder and substance use disorders, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Veterans' Affairs, with an amendment, as follows:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Veterans Mental Health Improvements Act of 2008''.

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

Sec. 1. Short title; table of contents.

TITLE I—SUBSTANCE USE DISORDERS AND MENTAL HEALTH CARE

Sec. 101. Findings on substance use disorders and mental health.

Sec. 102. Expansion of substance use disorder treatment services provided by Department of Veterans Affairs.

Sec. 103. Care for veterans with mental health and substance use disorders.

Sec. 104. National centers of excellence on post-traumatic stress disorder and substance use disorders.

Sec. 105. Report on residential mental health care facilities of the Veterans Health Administration.

Sec. 106. Tribute to Justin Bailey.

TITLE II—MENTAL HEALTH ACCESSIBILITY ENHANCEMENTS

Sec. 201. Pilot program on peer outreach and support for veterans and use of community mental health centers and Indian Health Service facilities.

TITLE III—RESEARCH

Sec. 301. Research program on comorbid post-traumatic stress disorder and substance use disorders.

Sec. 302. Extension of authorization for Special Committee on Post-Traumatic Stress Disorder.

TITLE IV—ASSISTANCE FOR FAMILIES OF VETERANS

Sec. 401. Clarification of authority of Secretary of Veterans Affairs to provide mental health services to families of veterans.

Sec. 402. Pilot program on provision of readjustment and transition assistance to veterans and their families in cooperation with Vet Centers.

TITLE I—SUBSTANCE USE DISORDERS AND MENTAL HEALTH CARE

SEC. 101. FINDINGS ON SUBSTANCE USE DISORDERS AND MENTAL HEALTH.

Congress makes the following findings:

(1) More than 1,500,000 members of the Armed Forces have been deployed in Operation Iraqi Freedom and Operation Enduring Freedom. The 2005 Department of Defense Survey of Health Related Behaviors Among Active Duty Personnel reports that 23 percent of members of the Armed Forces on active duty acknowledge a significant problem with alcohol use, with similar rates of acknowledged problems with alcohol use among members of the National Guard.

(2) The effects of substance abuse are wide ranging, including significantly increased risk of suicide, exacerbation of mental and physical health disorders, breakdown of family support, and increased risk of unemployment and homelessness.

(3) While veterans suffering from mental health conditions, chronic physical illness, and polytrauma may be at increased risk for development of a substance use disorder, treatment for these veterans is complicated by the need to address adequately the physical and mental symptoms associated with these conditions through appropriate medical intervention.

(4) While the Veterans Health Administration has dramatically increased health services for veterans from 1996 through 2006, the number of veterans receiving specialized substance abuse treatment services decreased 18 percent during that time. No comparable decrease in the national rate of substance abuse has been observed during that time.

(5) While some facilities of the Veterans Health Administration provide exemplary substance use disorder treatment services, the availability of such treatment services throughout the health care system of the Veterans Health Administration is inconsistent.

(6) According to the Government Accountability Office, the Department of Veterans Affairs significantly reduced its substance use disorder treatment and rehabilitation services between 1996 and 2006, and has made little progress since in restoring these services to their pre-1996 levels.

SEC. 102. EXPANSION OF SUBSTANCE USE DISORDER TREATMENT SERVICES PROVIDED BY DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall ensure the provision of such services and treatment to each veteran enrolled in the health care system of the Department of Veterans Affairs who is in need of services and treatments for a substance use disorder as follows:

(1) Short term motivational counseling services.

(2) Intensive outpatient or residential care services.

(3) Relapse prevention services.

(4) Ongoing aftercare and outpatient counseling services.

(5) Opiate substitution therapy services.

(6) Pharmacological treatments aimed at reducing craving for drugs and alcohol.

(7) Detoxification and stabilization services.

(8) Such other services as the Secretary considers appropriate.

(b) PROVISION OF SERVICES.—The services and treatments described in subsection (a) may be provided to a veteran described in such subsection—

(1) at Department of Veterans Affairs medical centers or clinics;

(2) by referral to other facilities of the Department that are accessible to such veteran; or

(3) by contract or fee-form service payments with community-based organizations for the provision of such services and treatments.

(c) ALTERNATIVES IN CASE OF SERVICES DENIED DUE TO CLINICAL NECESSITY.—If the Secretary denies the provision to a veteran of services or treatment for a substance use disorder due to clinical necessity, the Secretary shall provide the veteran such other services or treatments as are medically appropriate.

(d) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report setting forth, for each medical facility of the Department, the availability of the following:

(1) Medically supervised withdrawal management.

(2) Programs for treatment of alcohol and other substance use disorders that are—

(A) integrated with primary health care services; or

(B) available as specialty substance use disorder services.

(3) Specialty programs for the treatment of post-traumatic stress disorder.

(4) Programs to treat veterans who are diagnosed with both a substance use disorder and a mental health disorder.

SEC. 103. CARE FOR VETERANS WITH MENTAL HEALTH AND SUBSTANCE USE DISORDERS.

(a) IN GENERAL.—If the Secretary of Veterans Affairs provides a veteran inpatient or outpatient care for a substance use disorder and a comorbid mental health disorder, the Secretary shall ensure that treatment for such disorders is provided concurrently—

(1) through a service provided by a clinician or health professional who has training and expertise in treatment of substance use disorders and mental health disorders;

(2) by separate substance use disorder and mental health disorder treatment services when there is appropriate coordination, collaboration, and care management between such treatment services; or

(3) by a team of clinicians with appropriate expertise.

(b) TEAM OF CLINICIANS WITH APPROPRIATE EXPERTISE DEFINED.—In this section, the term ''team of clinicians with appropriate expertise'' means a team consisting of the following:

(1) Clinicians and health professionals with expertise in treatment of substance use disorders

and mental health disorders who act in coordination and collaboration with each other.

(2) Such other professionals as the Secretary considers appropriate for the provision of treatment to veterans for substance use and mental health disorders.

SEC. 104. NATIONAL CENTERS OF EXCELLENCE ON POST-TRAUMATIC STRESS DISORDER AND SUBSTANCE USE DISORDERS.

(a) IN GENERAL.—Subchapter II of chapter 73 of title 38, United States Code, is amended by adding at the end the following new section:

"§ 7330A. National centers of excellence on post-traumatic stress disorder and substance use disorders

''(a) ESTABLISHMENT OF CENTERS.—(1) The Secretary shall establish not less than six national centers of excellence on post-traumatic stress disorder and substance use disorders.

''(2) The purpose of the centers established under this section is to serve as Department facilities that provide comprehensive inpatient or residential treatment and recovery services for veterans diagnosed with both post-traumatic stress disorder and a substance use disorder.

''(b) LOCATION.—Each center established in accordance with subsection (a) shall be located at a medical center of the Department that—

''(1) provides specialized care for veterans with post-traumatic stress disorder and a substance use disorder; and

''(2) is geographically situated in an area with a high number of veterans that have been diagnosed with both post-traumatic stress disorder and substance use disorder.

''(c) PROCESS OF REFERRAL AND TRANSITION TO STEP DOWN DIAGNOSIS REHABILITATION TREATMENT PROGRAMS.—The Secretary shall establish a process to refer and aid the transition of veterans from the national centers of excellence on post-traumatic stress disorder and substance use disorders established pursuant to subsection (a) to programs that provide step down rehabilitation treatment for individuals with post-traumatic stress disorder and substance use disorders.

''(d) COLLABORATION WITH THE NATIONAL CENTER FOR POST-TRAUMATIC STRESS DISORDER.—The centers established under this section shall collaborate in the research of the National Center for Post-Traumatic Stress Disorder.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 73 of such title is amended by inserting after the item relating to section 7330 the following new item:

''7330A. National centers of excellence on post-traumatic stress disorder and substance use disorders.''.

SEC. 105. REPORT ON RESIDENTIAL MENTAL HEALTH CARE FACILITIES OF THE VETERANS HEALTH ADMINISTRATION.

(a) REVIEWS.—The Secretary of Veterans Affairs shall, acting through the Office of Mental Health Services of the Department of Veterans Affairs—

(1) not later than six months after the date of the enactment of this Act, conduct a review of all residential mental health care facilities, including domiciliary facilities, of the Veterans Health Administration; and

(2) not later than two years after the date of the completion of the review required by paragraph (1), conduct a follow-up review of such facilities to evaluate any improvements made or problems remaining since the review under paragraph (1) was completed.

(b) REPORT.—Not later than 90 days after the completion of the review required by subsection (a)(1), the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on such review. The report shall include the following:

(1) A description of the availability of care in residential mental health care facilities in each Veterans Integrated Service Network (VISN).

(2) An assessment of the supervision and support provided in the residential mental health care facilities of the Veterans Health Administration.

(3) The ratio of staff members at each residential mental health care facility to patients at such facility.

(4) An assessment of the appropriateness of rules and procedures for the prescription and administration of medications to patients in such residential mental health care facilities.

(5) A description of the protocols at each residential mental health care facility for handling missed appointments.

(6) Any recommendations the Secretary considers appropriate for improvements to such residential mental health care facilities and the care provided in such facilities.

SEC. 106. TRIBUTE TO JUSTIN BAILEY.

This title is enacted in tribute to Justin Bailey, who, after returning to the United States from service as a member of the Armed Forces in Operation Iraqi Freedom, died in a domiciliary facility of the Department of Veterans Affairs while receiving care for post-traumatic stress disorder and a substance use disorder.

TITLE II—MENTAL HEALTH ACCESSIBILITY ENHANCEMENTS

SEC. 201. PILOT PROGRAM ON PEER OUTREACH AND SUPPORT FOR VETERANS AND USE OF COMMUNITY MENTAL HEALTH CENTERS AND INDIAN HEALTH SERVICE FACILITIES.

(a) PILOT PROGRAM REQUIRED.—Commencing not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall carry out a pilot program to assess the feasability and advisability of providing to veterans of Operation Iraqi Freedom and Operation Enduring Freedom, and, in particular, veterans who served in such operations as a member of the National Guard or Reserve, the following:

(1) Peer outreach services.

(2) Peer support services provided by licensed providers of peer support services or veterans who have personal experience with mental illness.

(3) Readjustment counseling services described in section 1712A of title 38, United States Code.

(4) Other mental health services.

(b) PROVISION OF CERTAIN SERVICES.—In providing services described in paragraphs (3) and (4) of subsection (a) under the pilot program to veterans who reside in rural areas and do not have adequate access through the Department of Veterans Affairs to the services described in such paragraphs, the Secretary shall, acting through the Office of Mental Health Services and the Office of Rural Health, provide such services as follows:

(1) Through community mental health centers or other entities under contracts or other agreements for the provision of such services that are entered into for purposes of the pilot program.

(2) Through the Indian Health Service pursuant to a memorandum of understanding entered into by the Secretary of Veterans Affairs and the Secretary of Health and Human Services for purposes of the pilot program.

(c) DURATION.—The pilot program shall be carried out during the three-year period beginning on the date of the commencement of the pilot program.

(d) PROGRAM LOCATIONS.—

(1) IN GENERAL.—The pilot program shall be carried out within areas selected by the Secretary for the purpose of the pilot program in at least two Veterans Integrated Service Networks (VISN).

(2) RURAL GEOGRAPHIC LOCATIONS.—The locations selected shall be in rural geographic locations that, as determined by the Secretary, lack access to comprehensive mental health services through the Department of Veterans Affairs.

(3) QUALIFIED PROVIDERS.—In selecting locations for the pilot program, the Secretary shall select locations in which an adequate number of licensed mental health care providers with credentials equivalent to those of Department mental health care providers are available in Indian Health Service facilities, community mental health centers, and other entities are available for participation in the pilot program.

(e) PARTICIPATION IN PROGRAM.—Each community mental health center, facility of the Indian Health Service, or other entity participating in the pilot program under subsection (b) shall—

(1) provide the services described in paragraphs (3) and (4) of subsection (a) to eligible veterans, including, to the extent practicable, telehealth services that link the center or facility with Department of Veterans Affairs clinicians;

(2) use the clinical practice guidelines of the Veterans Health Administration or the Department of Defense in the provision of such services; and

(3) meet such other requirements as the Secretary shall require.

(f) COMPLIANCE WITH DEPARTMENT PROTOCOLS.—Each community mental health center, facility of the Indian Health Service, or other entity participating in the pilot program under subsection (b) shall comply with—

(1) applicable protocols of the Department before incurring any liability on behalf of the Department for the provision of services as part of the pilot program; and

(2) access and quality standards of the Department relevant to the provision of services as part of the pilot program.

(g) PROVISION OF CLINICAL INFORMATION.—Each community mental health center, facility of the Indian Health Service, or other entity participating in the pilot program under subsection (b) shall, in a timely fashion, provide the Secretary with such clinical information on each veteran for whom such health center or facility provides mental health services under the pilot program as the Secretary shall require.

(h) TRAINING.—

(1) TRAINING OF VETERANS.—As part of the pilot program, the Secretary shall carry out a program of training for veterans described in subsection (a) to provide the services described in paragraphs (1) and (2) of such subsection.

(2) TRAINING OF CLINICIANS.—

(A) IN GENERAL.—The Secretary shall conduct a training program for clinicians of community mental health centers, Indian Health Service facilities, or other entities participating in the pilot program under subsection (b) to ensure that such clinicians can provide the services described in paragraphs (3) and (4) of subsection (a) in a manner that accounts for factors that are unique to the experiences of veterans who served on active duty in Operation Iraqi Freedom or Operation Enduring Freedom (including their combat and military training experiences).

(B) PARTICIPATION IN TRAINING.—Personnel of each community mental health center, facility of the Indian Health Service, or other entity participating in the pilot program under subsection (b) shall participate in the training program conducted pursuant to subparagraph (A).

(i) ANNUAL REPORTS.—Each community mental health center, facility of the Indian Health Service, or other entity participating in the pilot program under subsection (b) shall submit to the Secretary on an annual basis a report containing, with respect to the provision of services under subsection (b) and for the last full calendar year ending before the submission of such report—

(1) the number of—

(A) veterans served; and

(B) courses of treatment provided; and

(2) demographic information for such services, diagnoses, and courses of treatment.

(j) PROGRAM EVALUATION.—

(1) IN GENERAL.—The Secretary shall, through Department of Veterans Affairs Mental Health Services investigators and in collaboration with

relevant program offices of the Department, design and implement a strategy for evaluating the pilot program.

(2) ELEMENTS.—The strategy implemented under paragraph (1) shall assess the impact that contracting with community mental health centers, the Indian Health Service, and other entities participating in the pilot program under subsection (b) has on the following:

(A) Access to mental health care by veterans in need of such care.

(B) The use of telehealth services by veterans for mental health care needs.

(C) The quality of mental health care and substance use disorder treatment services provided to veterans in need of such care and services.

(D) The coordination of mental health care and other medical services provided to veterans.

(k) DEFINITIONS.—In this section:

(1) The term ''community mental health center'' has the meaning given such term in section 410.2 of title 42, Code of Federal Regulations (as in effect on the day before the date of the enactment of this Act).

(2) The term ''eligible veteran'' means a veteran in need of mental health services who—

(A) is enrolled in the Department of Veterans Affairs health care system; and

(B) has received a referral from a health professional of the Veterans Health Administration to a community mental health center, a facility of the Indian Health Service, or other entity for purposes of the pilot program.

(3) The term ''Indian Health Service'' means the organization established by section 601(a) of the Indian Health Care Improvement Act (25 U.S.C. 1661(a)).

(l) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

TITLE III—RESEARCH

SEC. 301. RESEARCH PROGRAM ON COMORBID POST-TRAUMATIC STRESS DISORDER AND SUBSTANCE USE DISORDERS.

(a) PROGRAM REQUIRED.—The Secretary of Veterans Affairs shall carry out a program of research into comorbid post-traumatic stress disorder (PTSD) and substance use disorder.

(b) DISCHARGE THROUGH NATIONAL CENTER FOR POSTTRAUMATIC STRESS DISORDER.—The research program required by subsection (a) shall be carried out by the National Center for Posttraumatic Stress Disorder. In carrying out the program, the Center shall—

(1) develop protocols and goals with respect to research under the program; and

(2) coordinate research, data collection, and data dissemination under the program.

(c) RESEARCH.—The program of research required by subsection (a) shall address the following:

(1) Comorbid post-traumatic stress disorder and substance use disorder.

(2) The systematic integration of treatment for post-traumatic stress disorder with treatment for substance use disorder.

(3) The development of protocols to evaluate care of veterans with comorbid post-traumatic stress disorder and substance use disorder and to facilitate cumulative clinical progress of such veterans over time.

(d) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Department of Veterans Affairs for each of fiscal years 2008 through 2011, $2,000,000 to carry out this section.

(2) AVAILABILITY.—Amounts authorized to be appropriated by paragraph (1) shall be made available to the National Center on Posttraumatic Stress Disorder for the purpose specified in that paragraph.

(3) SUPPLEMENT NOT SUPPLANT.—Any amount made available to the National Center on Posttraumatic Stress Disorder for a fiscal year under paragraph (2) is in addition to any other amounts made available to the National Center on Posttraumatic Stress Disorder for such year under any other provision of law.

SEC. 302. EXTENSION OF AUTHORIZATION FOR SPECIAL COMMITTEE ON POST-TRAUMATIC STRESS DISORDER.

Section 110(e)(2) of the Veterans' Health Care Act of 1984 (38 U.S.C. 1712A note; Public Law 98–528) is amended by striking ''through 2008'' and inserting ''through 2012''.

TITLE IV—ASSISTANCE FOR FAMILIES OF VETERANS

SEC. 401. CLARIFICATION OF AUTHORITY OF SECRETARY OF VETERANS AFFAIRS TO PROVIDE MENTAL HEALTH SERVICES TO FAMILIES OF VETERANS.

(a) IN GENERAL.—Chapter 17 of title 38, United States Code, is amended—

(1) in section 1701(5)(B)—

(A) by inserting ''marriage and family counseling,'' after ''professional counseling,''; and

(B) by striking ''as may be essential to'' and inserting ''as the Secretary considers appropriate for''; and

(2) in subsections (a) and (b) of section 1782, by inserting ''marriage and family counseling,'' after ''professional counseling,''.

(b) LOCATION.—Paragraph (5) of section 1701 of title 38, United States Code, shall not be construed to prevent the Secretary of Veterans Affairs from providing services described in subparagraph (B) of such paragraph to individuals described in such subparagraph in centers under section 1712A of such title (commonly referred to as ''Vet Centers''), Department of Veterans Affairs medical centers, community-based outpatient clinics, or in such other facilities of the Department of Veterans Affairs as the Secretary considers necessary.

SEC. 402. PILOT PROGRAM ON PROVISION OF READJUSTMENT AND TRANSITION ASSISTANCE TO VETERANS AND THEIR FAMILIES IN COOPERATION WITH VET CENTERS.

(a) PILOT PROGRAM.—The Secretary of Veterans Affairs shall carry out, through a non-Department of Veterans Affairs entity, a pilot program to assess the feasability and advisability of providing readjustment and transition assistance described in subsection (b) to veterans and their families in cooperation with centers under section 1712A of title 38, United States Code (commonly referred to as ''Vet Centers'').

(b) READJUSTMENT AND TRANSITION ASSISTANCE.—Readjustment and transition assistance described in this subsection is assistance as follows:

(1) Readjustment and transition assistance that is preemptive, proactive, and principle-centered.

(2) Assistance and training for veterans and their families in coping with the challenges associated with making the transition from military to civilian life.

(c) NON-DEPARTMENT OF VETERANS AFFAIRS ENTITY.—

(1) IN GENERAL.—The Secretary shall carry out the pilot program through any for-profit or non-profit organization selected by the Secretary for purposes of the pilot program that has demonstrated expertise and experience in the provision of assistance and training described in subsection (b).

(2) CONTRACT OR AGREEMENT.—The Secretary shall carry out the pilot program through a non-Department entity described in paragraph (1) pursuant to a contract or other agreement entered into by the Secretary and the entity for purposes of the pilot program.

(d) DURATION OF PILOT PROGRAM.—The pilot program shall be carried out during the three-year period beginning on the date of the enactment of this Act, and may be carried out for additional one-year periods thereafter.

(e) LOCATION OF PILOT PROGRAM.—

(1) IN GENERAL.—The Secretary of Veterans Affairs shall provide assistance under the pilot program in cooperation with 10 centers described in subsection (a) designated by the Secretary for purposes of the pilot program.

(2) DESIGNATIONS.—In designating centers described in subsection (a) for purposes of the pilot program, the Secretary shall designate centers so as to provide a balanced geographical representation of such centers throughout the United States, including the District of Columbia, the Commonwealth of Puerto Rico, tribal lands, and other territories and possessions of the United States.

(f) PARTICIPATION OF CENTERS.—A center described in subsection (a) that is designated under subsection (e) for participation in the pilot program shall participate in the pilot program by promoting awareness of the assistance and training available to veterans and their families through—

(1) the facilities and other resources of such center;

(2) the non-Department of Veterans Affairs entity selected pursuant to subsection (c); and

(3) other appropriate mechanisms.

(g) ADDITIONAL SUPPORT.—In carrying out the pilot program, the Secretary of Veterans Affairs may enter into contracts or other agreements, in addition to the contract or agreement described in subsection (c), with such other non-Department of Veterans Affairs entities meeting the requirements of subsection (c) as the Secretary considers appropriate for purposes of the pilot program.

(h) REPORT ON PILOT PROGRAM.—

(1) REPORT REQUIRED.—Not later than six months after the date of the conclusion of the pilot program, the Secretary shall submit to the congressional veterans affairs committees a report on the pilot program.

(2) ELEMENTS.—Each report under paragraph (1) shall include the following:

(A) A description of the activities under the pilot program as of the date of such report, including the number of veterans and families provided assistance under the pilot program and the scope and nature of the assistance so provided.

(B) A current assessment of the effectiveness of the pilot program.

(C) Any recommendations that the Secretary considers appropriate for the extension or expansion of the pilot program.

(3) CONGRESSIONAL VETERANS AFFAIRS COMMITTEES DEFINED.—In this subsection, the term ''congressional veterans affairs committees'' means—

(A) the Committees on Veterans' Affairs and Appropriations of the Senate; and

(B) the Committees on Veterans' Affairs and Appropriations of the House of Representatives.

(i) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated for the Department of Veterans Affairs for each of fiscal years 2008 through 2010 $1,000,000 to carry out this section.

(2) AVAILABILITY.—Amounts authorized to be appropriated by paragraph (1) shall remain available until expended.

Mr. AKAKA. Mr. President, I am pleased to express my strong support for S. 2162, the Veterans' Mental Health and Other Care Improvements Act of 2008, as amended. This bill includes provisions on mental health care, suicide prevention, care for substance use disorders, prevention of homelessness, pain and epilepsy care, and other health care matters. This comprehensive legislation addresses many critical issues facing our Nation's veterans.

Returning home from battle does not necessarily bring an end to conflict. Servicemembers return home, but the war often follows them in their hearts and minds. Their invisible wounds are

complicated and wide-ranging, and we must provide all possible assistance. I am working with VA Secretary James Peake to ensure that VA is forthright about the numbers of suicides and attempted suicides among veterans. Solid and reliable information is critical to our understanding of the issues. Prevention of suicide is a vitally important mission.

A growing number of veterans are in need of mental health care. VA's Special Committee on Post-Traumatic Stress Disorder advised in its 2006 formal report that virtually all returning servicemembers face readjustment issues. An assessment of mental health problems among returning soldiers, recently published in the Journal of the American Medical Association in November, 2007, found that 42.4 percent of National Guard and reservists screened by the Department of Defense required mental health treatment.

Additionally, a March 2007 study published in the Archives of Internal Medicine reported that more than one-third of war veterans who have served in either Iraq or Afghanistan suffer from various mental ailments, including post-traumatic stress disorder, anxiety, depression, substance use disorder and other problems. A RAND study released in April 2008, emphasized the high risks of PTSD and depression, especially among servicemembers sent on multiple deployments, and among National Guard and reservists.

Further, the RAND study found that the stigma associated with mental health care continues to prevent servicemembers and veterans from accessing care. VA and the Department of Defense must redouble their efforts to ensure that receiving mental health care does not harm one's career. No individual is immune to the risk of mental health problems, and all must have the opportunity to receive care.

On April 25, 2007, the Committee on Veterans' Affairs held a hearing on veterans' mental health concerns, and on VA's response. We heard heart-wrenching testimony from the witnesses.

The provisions of this bill are a direct outgrowth of that hearing and the testimony given by those who have suffered with mental health issues, and by their family members. Earlier versions of the provisions included in this bill were also discussed at a legislative hearing on October 24, 2007.

This bill represents a bi-partisan approach, and is cosponsored by Senators BURR, ROCKEFELLER, MIKULSKI, BINGAMAN, ENSIGN, SMITH, COLLINS, CLINTON, DOLE, and SESSIONS. It is a tribute to Justin Bailey, a veteran of Operation Iraqi Freedom, who died in a VA domiciliary facility while receiving care for PTSD and a substance use disorder. This was a tragedy that will live on with Justin's parents, who have so courageously advocated for improvements to VA mental health care.

Provisions included in this legislative package stem from bills which have all been reported favorably by the Senate Committee on Veterans' Affairs, including: S. 1233 as reported on August 29, 2007; and S. 2004, S. 2142, S. 2160, and S. 2162, as ordered reported on November 14, 2007.

I will briefly outline other provisions in S. 2162, as amended.

As I mentioned, the legislation would make sweeping changes to VA mental health treatment and research. Most notably, it would ensure a minimum level of substance use disorder care for veterans in need. It would also require VA to improve treatment of veterans with multiple disorders, such as PTSD and substance use disorder. To ascertain if VA's residential mental health facilities are appropriately staffed, this bill would mandate a review of such facilities. It would also create a vital research program on PTSD and Substance Use Disorders, in cooperation with, and building on the work of, the National Center for PTSD.

Veterans with physical and mental wounds often turn to drugs and alcohol to ease their pain. Experts believe that stress is the primary cause of drug abuse, and of relapse to drug abuse. Research by Sinha, Fuse, Aubin and O'Malley in Psychopharmacology, 2000, and by Brewer et al. in Addiction, 1998, has found that patients with psychological trauma, including PTSD, are often susceptible to alcohol and drug abuse. Similarly, according to the National Institute on Drug Abuse, patients subjected to chronic stress, as experienced by those with PTSD, are prone to drug use. VA has long dealt with substance abuse issues, but there is much more than can be done. This legislation would provide a number of solutions to enhance substance use disorder treatment.

The inclusion of families in mental health treatment is vital. To this end, the bill would fully authorize VA to provide mental health services to families of veterans and would set up a program to help veterans and families transition to civilian life.

Beneficiary travel reimbursements are essential to improving access to VA health care for veterans in rural areas. This legislation would increase the beneficiary travel mileage reimbursement rate from 11 cents per mile to 28.5 cents per mile, and permanently set the deductible to the 2007 amount of $3 each way.

It is important that veterans who rely on VA for their health care have access to emergency care. This bill would make corrections to the procedure used by VA to reimburse community hospitals for emergency care provided to eligible veterans so as to ensure that both veterans and community hospitals are not inappropriately burdened by emergency care costs.

Too often, veterans suffer from lack of care merely because they are unaware of the services available to them. This legislation would enhance outreach and accessibility by creating a pilot program on the use of peers to help reach out to veterans. It would also encourage improved accessibility for mental health care in rural areas.

The legislation also addresses homelessness, which is far too prevalent in the veteran population. The bill would create targeted programs to provide assistance for low-income veteran families. It would also allow homeless service providers to receive VA funds without offsetting other sources of income and require that facilities which furnish services to homeless veterans are able to meet the needs of women veterans.

The committee heard testimony that epilepsy is often associated with traumatic brain injury, the injury that many are calling the signature wound of the current conflicts. This suggests a strong need to improve VA's effectiveness in dealing with epilepsy. The pending legislation would establish six VA epilepsy centers of excellence, which will focus on research, education, and clinical care activities in the diagnosis and treatment of epilepsy. These centers would restore VA to the position of leadership it once held in epilepsy research and treatment.

The medical community has made impressive advances in pain care and management, but VA has lagged behind in implementing a standardized policy for dealing with pain. The bill includes a provision that would establish a pain care program at all inpatient facilities, to prevent long-term chronic pain disability. It also provides for education for VA's health care workers on pain assessment and treatment, and would require VA to expand research on pain care.

I urge all of my colleagues to support S. 2162, as amended. It has the potential to bring relief and support to tens of thousands of veterans and their families across the country.

Mrs. BOXER. Mr. President, I ask unanimous consent that the committee substitute amendment be withdrawn, the Akaka-Burr substitute amendment which is at the desk be agreed to; the bill, as amended, be read a third time and passed; the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

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

The amendment (No. 4824) was agreed to.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The bill (S. 2162), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

PROVIDING FOR CERTAIN FEDERAL EMPLOYEE BENEFITS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Rules Committee be discharged from further consideration of S. 2967 and that the Senate then proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2967) to provide for certain Federal employee benefits to be continued for certain employees of the Senate Restaurants after operations of the Senate Restaurants are contracted to be performed by a private business concern, and for other purposes.

Mrs. BOXER. Mr. President, I ask unanimous consent that the bill be read three times, passed, the motions to reconsider be laid upon the table, and that any statements be printed in the RECORD.

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

The bill (S. 2967) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2967

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

SECTION 1. CONTINUED BENEFITS FOR CERTAIN SENATE RESTAURANTS EMPLOYEES.

(a) DEFINITIONS.—In this section:

(1) CONTRACTOR.—The term ''contractor'' means the private business concern that enters into a food services contract with the Architect of the Capitol.

(2) COVERED INDIVIDUAL.—The term ''covered individual'' means any individual who—

(A) is a Senate Restaurants employee who is an employee of the Architect of the Capitol on the date of enactment of this Act, including—

(i) a permanent, full-time or part-time employee;

(ii) a temporary, full-time or part-time employee; and

(iii) an employee in a position described under the second or third provisos under the subheading ''SENATE OFFICE BUILDINGS'' under the heading ''CAPITOL BUILDINGS AND GROUNDS'' under the heading ''ARCHITECT OF THE CAPITOL'' in the Legislative Branch Appropriations Act, 1972 (2 U.S.C. 2048);

(B) becomes an employee of the contractor under a food services contract on the transfer date; and

(C) with respect to benefits under subsection (c)(2) or (3), files an election before the transfer date with the Office of Human Resources of the Architect of the Capitol to have 1 or more benefits continued in accordance with this section.

(3) FOOD SERVICES CONTRACT.—The term ''food services contract'' means a contract under which food services operations of the Senate Restaurants are transferred to, and performed by, a private business concern.

(4) TRANSFER DATE.—The term ''transfer date'' means the date on which a contractor begins the performance of food services operations under a food services contract.

(b) ELECTION OF COVERAGE.—

(1) IN GENERAL.—

(A) RETIREMENT COVERAGE.—Not later than the day before the transfer date, an individual described under subsection (a)(2)(A) and (B) may file an election with the Office of Human Resources of the Architect of the Capitol to continue coverage under the retirement system under which that individual is covered on that day.

(B) LIFE AND HEALTH INSURANCE COVERAGE.—If the individual files an election under subparagraph (A) to continue retirement coverage, the individual may also file an election with the Office of Human Resources of the Architect of the Capitol to continue coverage of any other benefit under subsection (c)(2) or (3) for which that individual is covered on that day. Any election under this subparagraph shall be filed not later than the day before the transfer date.

(2) NOTIFICATION TO THE OFFICE OF PERSONNEL MANAGEMENT.—The Office of Human Resources of the Architect of the Capitol shall provide timely notification to the Office of Personnel Management of any election filed under paragraph (1).

(c) CONTINUITY OF BENEFITS.—

(1) PAY.—The rate of basic pay of a covered individual as an employee of a contractor, or successor contractor, during a period of continuous service may not be reduced to a rate less than the rate of basic pay paid to that individual as an employee of the Architect of the Capitol on the day before the transfer date, except for cause.

(2) RETIREMENT AND LIFE INSURANCE BENEFITS.—

(A) IN GENERAL.—For purposes of chapters 83, 84, and 87 of title 5, United States Code—

(i) any period of continuous service performed by a covered individual as an employee of a contractor, or successor contractor, shall be deemed to be a period of service as an employee of the Architect of the Capitol; and

(ii) the rate of basic pay of the covered individual during the period described under clause (i) shall be deemed to be the rate of basic pay of that individual as an employee of the Architect of the Capitol on the date on which the Architect of the Capitol enters into the food services contract.

(B) TREATMENT AS CIVIL SERVICE RETIREMENT OFFSET EMPLOYEES.—In the case of a covered individual who on the day before the transfer date is subject to subchapter III of chapter 83 of title 5, United States Code, but whose employment with the Architect of the Capitol is not employment for purposes of title II of the Social Security Act and chapter 21 of the Internal Revenue Code of 1986—

(i) the employment described under subparagraph (A)(i) shall, for purposes of subchapter III of chapter 83 of title 5, United States Code, be deemed to be—

(I) employment of an individual described under section 8402(b)(2) of title 5, United States Code; and

(II) Federal service as defined under section 8349(c) of title 5, United States Code; and

(ii) the basic pay described under subparagraph (A)(ii) for employment described under subparagraph (A)(i) shall be deemed to be Federal wages as defined under section 8334(k)(2)(C)(i) of title 5, United States Code.

(3) HEALTH INSURANCE BENEFITS.—For purposes of chapters 89, 89A, and 89B of title 5, United States Code, any period of continuous service performed by a covered individual as an employee of a contractor, or successor contractor, shall be deemed to be a period of service as an employee of the Architect of the Capitol.

(4) LEAVE.—

(A) CREDIT OF LEAVE.—Subject to section 6304 of title 5, United States Code, annual and sick leave balances of any covered individual shall be credited to the leave accounts of that individual as an employee of the contractor, or any successor contractor. A food services contract may include provisions similar to regulations prescribed under section 6308 of title 5, United States Code, to implement this subparagraph.

(B) ACCRUAL RATE.—During any period of continuous service performed by a covered individual as an employee of a contractor, or successor contractor, that individual shall continue to accrue annual and sick leave at rates not less than the rates applicable to that individual on the day before the transfer date.

(C) TECHNICAL AND CONFORMING AMENDMENT.—The second and third provisos under the subheading ''SENATE OFFICE BUILDINGS'' under the heading ''CAPITOL BUILDINGS AND GROUNDS'' under the heading ''ARCHITECT OF THE CAPITOL'' in the Legislative Branch Appropriations Act, 1972 (2 U.S.C. 2048) are repealed.

(5) TRANSIT SUBSIDY.—For purposes of any benefit under section 7905 of title 5, United States Code, any period of continuous service performed by a covered individual as an employee of a contractor, or successor contractor, shall be deemed to be a period of service as an employee of the Architect of the Capitol.

(6) EMPLOYEE PAY; GOVERNMENT CONTRIBUTIONS; TRANSIT SUBSIDY PAYMENTS; AND OTHER BENEFITS.—

(A) PAYMENT BY CONTRACTOR.—A contractor, or any successor to the contractor, shall pay—

(i) the pay of a covered individual as an employee of a contractor, or successor contractor, during a period of continuous service;

(ii) Government contributions for the benefits of a covered individual under paragraph (2) or (3);

(iii) any transit subsidy for a covered individual under paragraph (5); and

(iv) any payment for any other benefit for a covered individual in accordance with a food services contract.

(B) REIMBURSEMENTS AND PAYMENTS BY ARCHITECT OF THE CAPITOL.—From appropriations made available to the Architect of the Capitol under the heading ''SENATE OFFICE BUILDINGS'' under the heading ''ARCHITECT OF THE CAPITOL'', the Architect of the Capitol shall—

(i) reimburse a contractor, or any successor contractor, for that portion of any payment under subparagraph (A) which the Architect of the Capitol agreed to pay under a food services contract; and

(ii) pay a contractor, or any successor contractor, for any administrative fee (or portion of an administrative fee) which the Architect of the Capitol agreed to pay under a food services contract.

(7) REGULATIONS.—

(A) OFFICE OF PERSONNEL MANAGEMENT.—

(i) IN GENERAL.—After consultation with the Architect of the Capitol, the Director of the Office of Personnel Management shall prescribe regulations to provide for the continuity of benefits under paragraphs (2) and (3).

(ii) CONTENTS.—Regulations under this subparagraph shall—

(I) include regulations relating to employee deductions and employee and employer contributions and deposits in the Civil Service Retirement and Disability Fund, the Employees' Life Insurance Fund, and the Employees Health Benefits Fund; and

(II) provide for the Architect of the Capitol to perform employer administrative functions necessary to ensure administration of continued coverage of benefits under paragraphs (2) and (3), including receipt and transmission of the deductions, contributions, and deposits described under subclause (I), the collection and transmission of such information as necessary, and the performance of other administrative functions as may be required.

(B) THRIFT SAVINGS PLAN BENEFITS.—After consultation with the Architect of the Capitol, the Executive Director appointed by the Federal Retirement Thrift Investment Board under section 8474(a) of title 5, United States Code, shall prescribe regulations to provide

for the continuity of benefits under paragraph (2) of this subsection relating to subchapter III of chapter 84 of that title. Regulations under this subparagraph shall include regulations relating to employee deductions and employee and employer contributions and deposits in the Thrift Savings Fund.

(d) COVERED INDIVIDUALS NOT ENTITLED TO SEVERANCE PAY.—

(1) IN GENERAL.—Except as provided under paragraph (2), a covered individual shall not be entitled to severance pay under section 5595 of title 5, United States Code, by reason of—

(A) separation from service with the Architect of the Capitol and becoming an employee of a contractor under a food services contract; or

(B) termination of employment with a contractor, or successor to a contractor.

(2) SEPARATION DURING 90-DAY PERIOD.—

(A) IN GENERAL.—

(i) COVERED INDIVIDUALS.—Except as provided under clause (ii), a covered individual shall be entitled to severance pay under section 5595 of title 5, United States Code, if during the 90-day period following the transfer date the employment of that individual with a contractor is terminated as provided under a food services contract.

(ii) EXCEPTION.—Clause (i) shall not apply to a covered individual who is terminated for cause.

(B) TREATMENT.—For purposes of section 5595 of title 5, United States Code—

(i) any period of continuous service performed by a covered individual described under subparagraph (A) as an employee of a contractor shall be deemed to be a period of service as an employee of the Architect of the Capitol; and

(ii) any termination of employment of a covered individual described under subparagraph (A) with a contractor shall be treated as a separation from service with the Architect of the Capitol.

(e) VOLUNTARY SEPARATION INCENTIVE PAYMENTS.—

(1) SUBMISSION OF PLAN.—Not later than 30 days after the date of enactment of this Act, the Architect of the Capitol shall submit a plan under section 210 of the Legislative Branch Appropriations Act, 2005 (2 U.S.C. 60q) to the applicable committees as provided under that section.

(2) PLAN.—

(A) IN GENERAL.—Notwithstanding section 210(e) of the Legislative Branch Appropriations Act, 2005 (2 U.S.C. 60q(e)), the plan submitted under this subsection shall—

(i) offer a voluntary separation incentive payment to any employee described under subsection (a)(2)(A) of this section in accordance with section 210 of that Act; and

(ii) offer such a payment to any such employee who becomes a covered individual, if that individual accepts the offer during the 90-day period following the transfer date.

(B) TREATMENT OF COVERED INDIVIDUALS.—For purposes of the plan under this subsection—

(i) any period of continuous service performed by a covered individual as an employee of a contractor shall be deemed to be a period of service as an employee of the Architect of the Capitol; and

(ii) any termination of employment of a covered individual with a contractor shall be treated as a separation from service with the Architect of the Capitol.

(f) EARLY RETIREMENT TREATMENT FOR CERTAIN SEPARATED EMPLOYEES.—

(1) IN GENERAL.—This subsection applies to—

(A) an employee of the Senate Restaurants of the Office of the Architect of the Capitol who—

(i) voluntarily separates from service on or after the date of enactment of this Act, but prior to the day before the transfer date; and

(ii) on such date of separation—

(I) has completed 25 years of service as defined under section 8331(12) or 8401(26) of title 5, United States Code; or

(II) has completed 20 years of such service and is at least 50 years of age; and

(B) except as provided under paragraph (2), a covered individual—

(i) whose employment with a contractor is terminated as provided under a food services contract during the 90-day period following the transfer date; and

(ii) on the date of such termination—

(I) has completed 25 years of service as defined under section 8331(12) or 8401(26) of title 5, United States Code; or

(II) has completed 20 years of such service and is at least 50 years of age.

(2) EXCEPTION.—Paragraph (1)(B) shall not apply to a covered individual who is terminated for cause.

(3) TREATMENT.—

(A) ANNUITY.—Notwithstanding any provision of chapter 83 or 84 of title 5, United States Code, an employee described under paragraph (1) is entitled to an annuity which shall be computed consistent with the provisions of law applicable to annuities under section 8336(d) or 8414(b) of title 5, United States Code.

(B) SEPARATION DURING 90-DAY PERIOD.—For purposes of chapter 83 or 84 of title 5, United States Code—

(i) any period of continuous service performed by a covered individual described under paragraphs (1)(B) and (2) as an employee of a contractor shall be deemed to be a period of service as an employee of the Architect of the Capitol; and

(ii) any termination of employment of a covered individual described under paragraphs (1)(B) and (2) with a contractor shall be treated as a separation from service with the Architect of the Capitol.

(g) CONGRESSIONAL ACCOUNTABILITY ACT OF 1995.—

(1) EMPLOYEES OF THE ARCHITECT OF THE CAPITOL.—Section 101(5) of the Congressional Accountability Act of 1995 (2 U.S.C. 1301(5)) is amended by striking ‘‘, the Botanic Garden, or the Senate Restaurant’’ and inserting ‘‘or the Botanic Garden’’.

(2) DISABILITIES.—Section 210(a)(7) of the Congressional Accountability Act of 1995 (2 U.S.C. 1331(a)(7)) is amended by striking ‘‘the Senate Restaurants and the Botanic Garden’’ and inserting ‘‘the Botanic Garden’’.

(3) CONTINUING APPLICATION TO CERTAIN ACTS AND OMISSIONS.—For purposes of the Congressional Accountability Act of 1995 (2 U.S.C. 1301 et seq.) a covered individual shall be treated as an employee of the Architect of the Capitol with respect to any act or omission which occurred before the transfer date.

(h) DEPOSIT OF COMMISSIONS.—

(1) SENATE RESTAURANTS FOOD SERVICES CONTRACT.—Any commissions paid by a contractor under a food services contract shall be deposited in the miscellaneous items account within the contingent fund of the Senate.

(2) USE OF FUNDS.—Any funds deposited under paragraph (1) shall be available for expenditure in the same manner as funds appropriated into that account.

(i) EFFECTIVE DATE.—This Act shall take effect on the date of enactment of this Act and apply to the remainder of the fiscal year in which enacted and each fiscal year thereafter.

REGARDING STATEMENTS MADE BY THE GOVERNMENT OF THE RUSSIAN FEDERATION THAT UNDERMINE THE REPUBLIC OF GEORGIA

Mrs. BOXER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 741, S. Res. 550.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 550) expressing the sense of the Senate regarding provocative and dangerous statements made by the government of the Russian Federation that undermine the territorial integrity of the Republic of Georgia.

There being no objection, the Senate proceeded to consider the resolution.

Mrs. BOXER. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid on the table, with no intervening action or debate, and that any statements related to the resolution be printed in the RECORD.

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

The resolution (S. Res. 550) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 550

Whereas, since 1993, the territorial integrity of the Republic of Georgia has been reaffirmed by the international community and 32 United Nations Security Council resolutions;

Whereas the Government of the Republic of Georgia has pursued with good faith the peaceful resolution of territorial conflicts in the regions of Abkhazia and South Ossetia since the end of hostilities in 1993;

Whereas President of Georgia Mikheil Saakashvili has offered a clear plan for resolving the conflict in Abkhazia and securing legitimate interests of the Abkhaz and South Ossetian people within a unified Georgia;

Whereas, for several years, the Government of Russia has engaged in an ongoing process of usurping the sovereignty of Georgia in Abkhazia and South Ossetia by awarding subsidies, the right to vote in elections in Russia, and Russian passports to people living in those regions;

Whereas the announcement of the Government of the Russian Federation that it will establish ‘‘official ties’’ with the breakaway regions of Abkhazia and South Ossetia and further involve itself in aspects of their government appears to be a thinly veiled attempt at annexation;

Whereas the statements and counter-productive behavior of the Government of the Russian Federation in these regions has undermined the peace and security of those regions, the Republic of Georgia, and the region as a whole; and

Whereas the consistent effort to undermine the sovereignty of a neighbor is incompatible with the role of the Russian Federation as one of the world's leading powers and is inconsistent with the commitments to international peacekeeping made by the Government of the Russian Federation: Now, therefore, be it

Resolved, That the Senate—

(1) condemns recent decisions made by the Government of the Russian Federation to establish ‘‘official ties’’ with the breakaway

regions of Abkhazia and South Ossetia, a process that further impedes reconciliation between those regions and the Government of Georgia and violates the sovereignty of the Republic of Georgia and the commitments of the Government of the Russian Federation to international peacekeeping;

(2) calls upon the Government of the Russian Federation to disavow this policy, which gives the appearance of being motivated by an appetite for annexation;

(3) affirms that the restoration of the territorial integrity of the Republic of Georgia is in the interest of all who seek peace and stability in the region;

(4) urges all parties to the conflicts in the Republic of Georgia and governments around the world to eschew rhetoric that escalates tensions and undermines efforts to negotiate a settlement to the conflicts; and

(5) commends the Government of Georgia for acting with restraint in the face of serious provocation.

AUTHORIZING THE USE OF THE CAPITOL GROUNDS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 309 which was received from the House.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 309) authorizing the use of the Capitol Grounds for the District of Columbia Special Olympics Law Enforcement Torch Run.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mrs. BOXER. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the measure be printed in the RECORD.

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

The concurrent resolution (H. Con. Res. 309) was agreed to.

DESIGNATING JUNE 6, 2008, AS ''NATIONAL HUNTINGTON'S DISEASE AWARENESS DAY''

Mrs. BOXER. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 581, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 581) designating June 6, 2008 as ''National Huntington's Disease Awareness Day.''

There being no objection, the Senate proceeded to consider the resolution.

Mrs. BOXER. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

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

The resolution (S. Res. 581) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 581

Whereas Huntington's Disease is a progressive degenerative neurological disease that causes total physical and mental deterioration over a 12 to 15 year period;

Whereas each child of a parent with Huntington's Disease has a 50 percent chance of inheriting the Huntington's Disease gene;

Whereas Huntington's Disease typically begins in mid-life, between the ages of 30 and 45, though onset may occur as early as the age of 2;

Whereas children who develop the juvenile form of the disease rarely live to adulthood;

Whereas the average lifespan after onset of Huntington's Disease is 10 to 20 years, and the younger the age of onset, the more rapid the progression of the disease;

Whereas Huntington's Disease affects 30,000 patients and 200,000 genetically ''at risk'' individuals in the United States;

Whereas, since the discovery of the gene that causes Huntington's Disease in 1993, the pace of Huntington's Disease research has accelerated;

Whereas, although no effective treatment or cure currently exists, scientists and researchers are hopeful that breakthroughs will be forthcoming;

Whereas researchers across the Nation are conducting important research projects involving Huntington's Disease; and

Whereas the Senate is an institution that can raise awareness in the general public and the medical community of Huntington's Disease: Now, therefore, be it

Resolved, That the Senate—

(1) designates June 6, 2008, as ''National Huntington's Disease Awareness Day'';

(2) recognizes that all people of the United States should become more informed and aware of Huntington's Disease; and

(3) respectfully requests the Secretary of the Senate to transmit a copy of this resolution to the Huntington's Disease Society of America.

ORDERS FOR WEDNESDAY, JUNE 4, 2008

Mrs. BOXER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m. tomorrow, Wednesday, June 4; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and there then be a period of morning business until 11:30 a.m., with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first 30 minutes, and the Republicans controlling the second 30 minutes; and that, at 11:30 a.m., the Senate consider the budget resolution conference report as under the previous order. I further ask unanimous consent that the time during any adjournment or morning business count against cloture.

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

PROGRAM

Mrs. BOXER. Mr. President, under a previous order, the Senate will proceed to a vote on adoption of the budget conference report at approximately 11:45 a.m. tomorrow morning. Following the vote on adoption of the budget conference report, I expect the Senate to begin consideration of the climate security legislation.

ORDER FOR ADJOURNMENT

Mrs. BOXER. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order, following the remarks of Senators DOLE, INHOFE, and ENZI.

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

Mrs. BOXER. I thank the Chair.

The PRESIDING OFFICER. The senior Senator from North Carolina is recognized.

CLIMATE SECURITY ACT

Mrs. DOLE. Mr. President, nearly a year ago, I began working on the Climate Security Act with two Senators, both of whom I also serve with on the Armed Services Committee. As members of that committee, we have worked together to write and pass defense authorization bills to strengthen our national security and support our military. Senators JOE LIEBERMAN and JOHN WARNER have moved the issue of climate security forward in the American dialogue, and I join them in that effort.

I understand this bill is viewed by most as an environmental bill—which it is—but it is also essential to our national security. Just a few weeks ago, Secretary of Defense Robert Gates talked about the threats our Nation faces. He said, ''Rather than one, single entity—the Soviet Union—and one, single animating ideology—communism—we are instead facing challenges from multiple sources: a new, more malignant form of terrorism inspired by jihadist extremism, ethnic strife, disease, poverty, climate change, failed and failing states, resurgent powers, and so on.'' Of the threats Secretary Gates articulated, we know the predicted negative ramifications of climate change could initiate a chain-reaction of events such as severe drought or floods that diminish food supply and displace millions of people.

Additionally, last year 11 retired three-star and four-star admirals and generals issued a report, National Security and the Threat of Climate Change. They had four primary findings: (1) Projected climate change poses a serious threat to America's national security; (2) Climate change acts as a threat multiplier for instability in some of the most volatile regions of the world; (3) Projected climate change will add to tensions even in stable regions of the world; and (4) Climate

change, national security and energy dependence are a related set of global challenges. At the release of this report, retired General and former Army Chief of Staff Gordon Sullivan said, ''People are saying they want to be perfectly convinced about climate science projections, but speaking as a soldier, we never have 100 percent certainty. If you wait until you have 100 percent certainty, something bad is going to happen on the battlefield.''

Adding to this concern, a joint report issued by the Center for Strategic and International Studies and Center for a New American Security, has made clear that we are now in the age of consequences regarding the foreign policy and national security implications of global climate change. The consequences range from expected to catastrophic, and a key finding is that the United States must come to terms with climate change. According to the report, we can expect strengthened geopolitical influence by fuel exporting countries, and a correlating weakened strategic and economic influence by importers of all fuels. We can expect many more consequences, but in short, the intersection of climate change and the security of nations will become a defining reality in the years ahead. We cannot ignore the costs of inaction and we cannot leave these massive security concerns to the next generation.

This is not a perfect bill, and a perfect bill likely does not exist. However, the fundamental approach of this bill—providing a market driven system—is the right way to address climate change.

I am disappointed that this bill fails to consider the need for more nuclear energy in the United States. Patrick Moore, co-founder of Greenpeace made the need for nuclear energy clear when he wrote, ''. . . my views have changed, and the rest of the environmental movement needs to update its views, too, because nuclear energy may just be the energy source that can save our planet from another possible disaster: catastrophic climate change.'' In order to meet all of the projected models for reducing our greenhouse gas emissions, we need a nuclear renaissance in this country, and this bill must be the vehicle by which we advance that renaissance. Nuclear energy, after decades of dormancy, must be given an opportunity to be an affordable and reliable energy choice for consumers. Wind and solar will play a role in our low-carbon energy needs, but as of now they are not reliable, and cannot provide the base load electricity generation that is needed, and that which nuclear energy, can provide. Nuclear is safe, reliable, low-cost energy and those who oppose it will find themselves in the precarious position of being unable to seriously confront climate change.

We have a solution to low-cost electricity generation in nuclear energy, and we also have a solution to high fuel costs—the answer is more domestic exploration here at home. Americans are clearly aware that our dependence on foreign oil is far too dangerous and much too costly. A significant amount of our oil comes from the Middle East, Russia and Venezuela—three parts of the world that do not have U.S. interests in mind in their oil production. As former Director of Central Intelligence James Woolsey noted, ''we're paying for both sides in the war on terror.'' At approximately $130 per barrel of oil, we are enriching, by billions of dollars, the likes of Iran's Ahmadinejad, Russia's Putin, and Venezuela's Chavez. They are flush with oil cash and are leveraging their influence against ours with Beijing and New Delhi in a geopolitical chess match.

We must shift away from our dependence on foreign oil, and this bill, probably more than any other the Congress has ever considered, provides the resources and framework to do just that. Under this bill, the Natural Resources Defense Council estimates oil imports to drop to 35 percent of total U.S. oil supply by 2030, compared to the approximately 60 percent of foreign oil imports we rely on today. In fact, by 2025 oil imports are expected to drop to around 6 million barrels per day, the lowest point since 1986. That is a savings of more than 8 million barrels a day—more oil than the United States currently imports from OPEC. We achieve these reductions through an overall reduction in demand, and increased domestic oil production due to increased use of Enhanced Oil Recovery—a process by which we sequester carbon from power plants to derive more oil from the ground. What all this means for families is that under this bill, the average household will pay 13 to 17 percent less for transportation fuels in 2020 than they did in 2007. This is a savings of up to $530 a year at the pump for Americans.

The long-term outlook is positive for weaning ourselves off of foreign oil, but there is a major flaw in this bill in that it does not address our near-term energy needs for more domestic oil and natural gas exploration and production. Increased oil and natural gas access here at home is essential to lowering the high fuel costs consumers are feeling today and for keeping them low in the early years of this bill. Lower fuel costs will get our economy back on track and increase our energy security. Unfortunately, efforts to allow that access to our American resources have been blocked for years by our friends across the aisle. The high cost of fuel is unsustainable, and we must take action to increase our domestic energy supply—this means we must explore and produce here at home. At a time when Americans are experiencing record high oil prices, we must begin exploration in areas such as the Gulf of Mexico and in remote areas of Alaska where the local population supports it. There is no silver bullet, but there are commonsense solutions that we must move forward, in the wake of $4 per gallon gasoline.

It is time to put more dollars back in the hands of Americans instead of foreign dictators. Our energy independence will drive our economic success. In keeping our economy the envy of the world, it is important to note that not addressing climate change is a costly course of action. The Stern Review, the leading analysis of the economic aspects of climate change conducted by Sir Nicholas Stern, former chief economist at the World Bank, estimates that the monetary cost of inaction is equivalent to losing at least 5 percent, or $2.4 trillion, of global gross domestic product each year.

Indeed, delaying action comes at a cost! Paul Volcker, former Federal Reserve Chairman under President Ronald Reagan stated, ''If we don't take action on climate change, you can be sure that our economies will go down the drain in the next 30 years.''

The National Academy of Sciences stated this year that global warming threatens roads, rail lines, ports, and airports. America's global competitiveness is also at stake on this issue.

We used to be the leader in wind, solar, nuclear, and other low-carbon energy. Acting on climate change first puts the United States in a position to develop and own new technologies and all the jobs that come with them. We have never ceded ground on American competitiveness to China, India, and other developing countries, nor should we on this issue. We do not address climate change without the entire world playing a role, but we also do not address it by waiting for others to act. And we can take action in a way that continues to grow our economy.

With the right policy that spurs investment and innovation, we can deploy new technologies that will cut our emissions and not change our lifestyles. We have an opportunity to seize these new technologies, or we can wait and cede ground to others.

The status quo just will not work, not this time and not on this issue. The current path is untenable. It leaves the future of our economy in the hands of volatile and unfriendly nations from which we import oil. It allows the quiet growth of the predicted negative ramifications of climate change that national security experts have cautioned us about. And it leaves us less competitive in new and green technologies.

Cap and trade, first adopted for acid rain under the 1990 Clean Air Act amendments, is an American environmental and economic success story. There is no doubt that this is a much greater challenge and one that affects every sector of the economy. We have the ability to repeat that success. Our constituents do not send us to Washington to sit back and do the easy things. Rather, they send us here to have the courage to tackle the challenges.

This may be one of the hardest things we do, but as American leaders, we have a responsibility to lead. We have a responsibility to find commonsense solutions to the hard problems

and not be afraid of carrying out those solutions.

A clean environment and economic and national security should not be Republican or Democratic issues. These are American issues. We have the opportunity to lead and to change the entire landscape of this dialog.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The senior Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, I get to change the dialog completely. I ask unanimous consent to share joy as in morning business.

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

THE BIRTH OF MEGAN RILEY McGRADY

Mr. ENZI. Mr. President, I get to announce to my Senate family that I am a grampa again. Incidentally, that is spelled with an ''m'' and no ''d,'' grampa, the greatest title anyone can have. It is an indescribable thrill. It is incredible love. You cannot comprehend all of what I am saying unless you have a grandchild.

I have two other grandchildren, but this time Diana's and my youngest child, the baby of the family, had a baby. Emily and her husband Mike, Mike McGrady, met at the University of Wyoming. Mike broke family Florida University Gator tradition to come to Wyoming, but it was part of God's plan. Emily and Mike fell in love and got married. Emily worked for the university while Mike went to law school. When he graduated, he got a job clerking for Federal Circuit Court Judge Terry O'Brien.

Last year they bought a house. This year, they called to ask what we were planning to do for Memorial Day and suggested we might want to be near them for the birth of our grandchild. We were near. Our daughter Emily and her daughter Megan had extremely fortunate timing for Diana and me. Diana and I were in Wyoming for the workweek. Some call it a recess. I prefer to call it, more accurately, a workweek.

The baby started coming almost on schedule. We went to the hospital when Emily went into labor. The family took turns walking the halls with Emily while she could. After 13 hours of labor, mother and baby were getting so tired the doctor suggested—strongly suggested—a Cesarean section to take the baby. When nothing is progressing, there is no other decision. Surgery is always a scary decision.

But at 8:33 on May 29, we had a granddaughter, Megan Riley McGrady. She weighed 6 pounds, 14 ounces, and was 20 inches long with delicate hands and long, thin fingers. I cannot begin to share the emotion and feeling that overwhelms me today. It is such an incredible feeling to hold another generation in your hands, to see such a miniature person and such a huge miracle.

I had the pleasure of holding that baby and watching her breathe and move with 100 different facial expressions—with the tongue in, the tongue out, yawns, eyes closed and eyes wide, and listened to all the little sounds she made. I watched her hands close to tight fists and then open as if to stretch. Of course, I had to let my wife Diana hold her a little, too, and Megan's mom and dad, Emily and Mike, wanted a turn, too, and Mike's parents, Tom and Mary McGrady, came all the way from Florida and, of course, they wanted turns, too.

It was a grand time for our family. I have some instant replay memories of that little face and those moving hands and the blanket and cap to hold in the body heat or the little pink bow on a pink band circling her tiny head. They are all locked in my mind, and I am constantly doing little instant replay memories for myself and thanking God for the opportunities that he has given me from finding Diana to learning about prayer with our first child, the daughter who was born premature, who showed us how worthwhile fighting for life is, to the birth of our son, to the birth of our youngest daughter, this one who had the baby, to helping me through open heart surgery so I might have this chance to hold another generation in my hands.

I think of the Prayer of Jabez in Chronicles where he says: Lord, please continue to bless me, indeed. And I add my thanks for this and all the blessings noticed and, unfortunately, often unnoticed.

So now I am a grampa. That is not grandfather. That is too stilted. Years ago, my daughter gave me a hand-stitched wall hanging that says: ''Any man can be a father, but it takes someone special to be a dad.''

That is a challenge for grampas to live up to, too. Please note the name is not ''grandpa.'' That is a great title, but it is a little too elevated. As I said before, my name, grampa, is spelled with an ''m'' and no ''d.'' That is what I called my Grampa Bradley who took me on some wonderful adventures and taught me a lot of important lessons.

Now it is my turn to live up to that valued name. He liked to be called grampa, and I am now delighted to have the opportunity to earn that name. I wish I could adequately share the joy with you that is in my heart.

After Megan was born, I went to the Republican Convention. When I spoke, I mentioned my mom's admonition that I need to pass on to my grandchildren; that is, to do what is right, to do your best, to treat others as they want to be treated. I use that guideline every day and expect everyone on my staff to measure legislation and casework by it too.

Now I have an additional measure for myself. I don't ever want my grandkids to say: My grampa could have fixed that, but he didn't. I do know that most of what I do fix they will never know about. That is how America is supposed to work. America is a lot of people doing their job, doing it because it needs to be done, not because someone will give them acclaim.

Some would say that you, my granddaughter, Megan Riley McGrady, have been born at a scary time, a time of fear, fear of almost everybody, fear of war, fear of people from other countries, fear for our neighborhoods, worry about energy supplies and energy prices and the effect on food prices.

As an Enzi, we have faith that doing the right thing, doing our best, and treating others as they want to be treated will solve most problems which will overcome fear.

In my job, I get to hear lots of disparaging comments about our country and our Government, but you, granddaughter, were very lucky to be born in this country. I have been to a lot of places in the world now, and I can tell you that there are none that I would trade for the United States. In my job, I often have to remind people that I never hear about anybody trying to get out of our country, but I do hear of millions who would love to live here.

As you get older, precious baby, if things don't change, you will hear people who think Government owes them a living and all kinds of guarantees, and you will hear people portray business as greedy, and you will see attempts to keep faith and God out of your vocabulary. And all those things could come to pass, except for you, you and your family, you and others who will know how to do the right thing and will value the way our country was founded and has grown.

Megan, granddaughter, welcome to this world of promise and hope and faith and love. Your whole family is excited to have you in our lives.

I yield the floor.

The PRESIDING OFFICER. The Presiding Officer congratulates and shares in the joy of the senior Senator from Wyoming.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 9:30 tomorrow morning, Wednesday, June 4.

Thereupon, the Senate, at 8:54 p.m., adjourned until Wednesday, June 4, 2008, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

CORPORATION FOR PUBLIC BROADCASTING

CHERYL FELDMAN HALPERN, OF NEW JERSEY, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING JANUARY 31, 2014. (REAPPOINTMENT)

DAVID H. PRYOR, OF ARKANSAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING JANUARY 31, 2014. (REAPPOINTMENT)

BRUCE M. RAMER, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING JANUARY 31, 2012, VICE WARREN BELL.

ELIZABETH SEMBLER, OF FLORIDA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING JANUARY 31, 2014, VICE CLAUDIA PUIG, TERM EXPIRED.

LORETTA CHERYL SUTLIFF, OF NEVADA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING JANUARY 31, 2012, VICE FRANK HENRY CRUZ, TERM EXPIRED.

DEPARTMENT OF STATE

JAMES CULBERTSON, OF NORTH CAROLINA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF THE NETHERLANDS.

W. STUART SYMINGTON, OF MISSOURI, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF RWANDA.

ALAN W. EASTHAM, JR., OF ARKANSAS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF THE CONGO.

EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT

KENNETH L. PEEL, OF MARYLAND, TO BE UNITED STATES DIRECTOR OF THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT, VICE MARK SULLIVAN, RESIGNED.

DEPARTMENT OF JUSTICE

DENNIS MICHAEL KLEIN, OF KENTUCKY, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF KENTUCKY FOR THE TERM OF FOUR YEARS, VICE JOHN SCHICKEL, RESIGNED.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. RICKY LYNCH

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 3064 AND 3069(B):

To be major general

COL. PATRICIA D. HOROHO

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 3064 AND 3084:

To be brigadier general

COL. TIMOTHY K. ADAMS

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AND AS PERMANENT PROFESSOR AT THE UNITED STATES AIR FORCE ACADEMY, UNDER TITLE 10, U.S.C., SECTIONS 9333(B) AND 9336(A):

To be colonel

ANDREW P. ARMACOST

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be lieutenant colonel

HANS C. BRUNTMYER

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADES INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be lieutenant colonel

DWIGHT PEAKE
KRISTIN K. SAENZ

To be major

BRENT D. MARTIN
TREVOR S. PETROU

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531:

To be major

CHRISTINE CORNISH
ALANE D. DURAND
WILLIAM R. MOORE
DAVID G. WATSON

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

MICHAEL J. MCCORMACK

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

GREGG P. LOMBARDO
CHARLES J. NEWBURY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

DANIEL L. GARD
DANA C. REED
WILLIAM A. WILDHACK III

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

MARK S. BELLIS
LOUIS A. BODNAR
STEPHEN M. COOK
DAVID S. COX
MARK J. FUNG
RONALD D. GRUZESKY
JOSEPH M. HINSON III
DAVID F. MARASCO
MICHAEL R. MERINO
ROGER A. MOTZKO
FREDERICK A. MUCKE
JAMES A. MUIR
MICHAEL J. PINSONEAULT
CRAIG A. SCHARTON
ALAN W. TODD
DALE K. UYEDA
ALAN N. WATT
DAVID K. WILL
STEVEN R. WOLFE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

FREDERICK H. BOYLES
BARRY L. BROWN
REID W. CHAMBERS
LEE A. GAUL
MARK S. GHIRARDI
JULIE A. HAMMOND
GREGORY K. HORNSBY
JEFFREY T. JOHNSON
LOU A. LANIER
JAMES B. LATHAM
STEPHAN K. OLIVER
CHARLES I. RINK
JAMES R. SILLS
ALLISON M. WELDON

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

ESTHER E. BURLINGAME
GEORGE H. FUTCH, JR.
GREGORY E. GOMER
MICHAEL W. HARTFORD
VICTOR M. HUERTAS
IVES C. MAZUR
MICHAEL J. MEDINA
KIMBERLY K. PELLACK

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

KENNETH D. LAPOLLA
STEPHEN W. PAULETTE
BRYAN W. SHIELDS
CAROLYN B. WAGONER
JOSEPH R. WILLIE II

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

BRUCE BENNETT
WILLIAM H. BRAGDON, JR.
STEWART A. BRAZIN
JOE P. CALDWELL
JOSEPH F. CHESKY
EDWARD R. GILLETT
DALE W. GREENWOOD
DANIEL E. KAHLER
CHRISTOPHER M. KUSHNER
MICHAEL D. LANE
GARY P. LESSMANN
THOMAS J. MANSKI
JONATHAN E. MATSON
MICHAEL D. MCBETH
MICHAEL F. MCGRATH
MARIA H. MELBOURNE
MATTHEW E. NORMAN
THOMAS J. PATTON
SCOTT K. RINEER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

DANIEL K. BEAN
BARRY R. BLANKFIELD
BRADLEY J. CORDTS
DANA T. DYSON
FRANKLIN J. FOIL
HANS P. GRAFF
BETH A. HARRIS
BRUNO W. KATZ
SHERI L. LEWIS
GREGORY P. NOONE
LESLIE E. REARDANZ III
MICHAEL B. SHAW
DAVID J. SMITH
JOHN T. WOOLDRIDGE
TED Y. YAMADA

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

GLORIA M. BAISEY
JANIE C. R. BRIER
SCOT K. CANFIELD
REBECCA A. CRICHTON
DEBRA T. CROWELL
ANDREA A. DEMELLOSTEVERS
FLEURETTE S. ETIENNE
LINDA D. GEISAKA
JUDY L. HANSEN
DONNA M. HORN
MARY J. ISAACSON
ROSALIE G. KORSON
MARY A. KROETCH
LORI J. LAVELLEJARDIN
NANCY A. E. MACE
KIMBERLY M. G. MATTHEWS
EDWARDO T. MUNOZ
SHARON C. NEWTON
MARY E. NORGAARD
SUSAN S. PAPE
KATHLEEN F. PUTNAM
ELIZABETH A. REISER
RUTH E. RIDDLES
DEBRA S. SCHEEL
JAMES R. SEXTON
NANCY A. SUSICK
LISA A. TABENKEN
JOHN F. TERMINI
ELAINE K. WALKER
PATRICIA L. WEST