

it is all of the things that contribute to it. As we move forward, it is the hard-working Americans who participate in this economy whom we have to consider.

The pathway to saving the planet will require that we partner with the business community and empower them to transition from an old energy economy and energy technologies dating back centuries, to the emerging energy economy and the emerging energy technologies needed for a new, cleaner economy and a new, cleaner environment. Failure to do so could lead to the loss of jobs in communities all across our Nation.

But it could also lead to a failed environmental policy because the fact is, if we do not get this right now, we could spend the next 2 or 3 years dealing with legislation that might not work, is not going to have all of the intricacies and all of the matters dealt with that need to be dealt with. And 3 years down the road, what happens? We repeat it? We have wasted 3 precious years, 3 or 4 precious years, where we could have been working productively to reach the goal of strengthening our economy and preserving our environment.

Another concern is the unintended hardships the bill might place on the elderly and working families, particularly in my State. I am sure other Senators have those same concerns.

In a State with a median income level of \$37,420, ranking Arkansas 48th among all States, many of my constituents live paycheck to paycheck absolutely every week. I am rightfully concerned about a bill that could drive up utility rates, with the costs being passed on to consumers. And for my constituents, even a \$15-per-month increase in their energy bills would be devastating. Now, for some of us, \$15 we will notice, but it might not make a difference between whether we are going to sign our kids up for Little League or whether we are going to be able to help our grandparents or our parents with their prescription drugs or even put food on the table. But for some hard-working Americans, those kinds of increases could mean an awful lot. That is why it is all the more important that we get this bill right.

I want to support climate change legislation. That is something I feel very passionate about. I want to because I believe it is ultimately our responsibility to preserve and protect our planet for future generations. I truly believe we can no longer afford to put our heads in the sand about this issue. We have to move forward. We have to express the importance and the urgency of this issue. But I also echo that it is critically important we get it right. That is why I say the devil is in the details.

As we move forward in these discussions on what we are doing, we have to pay critical attention to the details of this bill. It is why we cannot afford to have, as I said, our heads in the clouds about the realities of the issues that

are associated without fully understanding the impact of this bill as we have looked at it today, as currently written, on industry and working families of this country.

I dedicate myself to making sure not only that we passionately look at this issue for all the right reasons of preserving our environment but that we also equally as passionately look at this bill to make sure the mechanisms that partner us with the economy and the engines of economy we get right.

I am committed to working closely with the sponsors of the legislation as well as the industries in my State and all across this Nation. We have an obligation, an obligation and a responsibility not only to protect this environment but also to protect the incredible working families whom we represent, the hard-fought jobs they work in day-in and day-out to care for their families, and the good corporate citizens that are trying their best to make sure those jobs stay in this country.

I believe we can craft a proposal that will appropriately balance the needs of business and consumers, especially those most vulnerable to an increase in energy costs or a shift in our culture of energy, to protect our environment for our children and our grandchildren but also to keep that balance in recognition with how important that impact is on our communities across our States and across this great country.

I do so appreciate all of the hard work, the enormous effort so many Senators have put into this bill. Senator LIEBERMAN and Senator WARNER and, of course, Chairman BOXER have all invested a tremendous amount of time in this bill. As we continue to move forward in looking at this issue, in looking for solutions, I hope that in their leadership they will embrace all of the Senators who have great ideas in terms of how we can move forward in making this a success, in preserving our environment but ensuring that the working people of this country and the hard-fought industries that are here providing the jobs we want to see stay in this great country, that they are going to have a seat at the table and come up with a bill that will benefit everybody.

While I still have some questions about what we are dealing with and the debate we had and will continue to have, I want to keep my door open. I want to work with my colleagues to address the real and the long-term issues of climate change in the weeks and months ahead. But I also want to make sure our focus does not lose sight of the other consequences that come from this bill.

I appreciate the debate we have had, and I look forward to the coming months as we will continue to refocus ourselves, rededicate our time to making sure—making sure that any bill we come up with that we come to the floor and ask one another to give a final vote on will be a bill that we have embraced from all different perspectives of finding the solutions we need.

This underlying bill is clearly not that bill, and many of us have grave concerns about where the priorities are in this bill and how we make those priorities more positive in all directions. I look forward to regaining our time and energy and being able to come back and talk about these issues and really solve all of the problems, all of the consequences that come with our ultimate passion of wanting to ensure that we do take a stand on climate change and that we do embrace our opportunity to make sure we do not make it irreversible in terms of what climate change is; that we will work hard to ensure that our children and our grandchildren will have an incredible planet to be able to live on, to work on, and again to reach their every potential and their every possibility.

RECESS

Mrs. LINCOLN. Mr. President, I ask unanimous consent that the Senate stand in recess until 11:30.

There being no objection, the Senate, at 10:22 a.m., recessed until 11:30 a.m., and reassembled when called to order by the ACTING PRESIDENT pro tempore.

Ms. MIKULSKI. I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. DORGAN). Without objection, it is so ordered.

OFFICE OF LEGAL COUNSEL

Mr. WHITEHOUSE. Mr. President, I thank the Presiding Officer for coming to the chair a little early in order to allow me a chance to make a statement. It was a considerable courtesy and one that is much appreciated.

I will open my remarks by saying: Well, here we go again. I have come to the floor several times already to warn of what appears to be a loss of integrity and legal scholarship at the once proud Office of Legal Counsel at the Department of Justice.

First, back in December, I pointed out the, shall we say, "eccentric" theories that arose out of the OLC's analysis that greenlighted President Bush's program for warrantless wiretapping of Americans. Those opinions had been secret. These theories came to light after I plowed through a fat stack of classified opinions held in secret over at the White House and pressed to have the particular statements declassified.

My colleagues may recall that these theories included the following:

An executive order cannot limit a President. There is no constitutional requirement for a President to issue a new executive order whenever he wishes to depart from the terms of a previous executive order. Rather