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House of Representatives

The House was not in session today. Its next meeting will be held on Monday, June 9, 2008, at 12:30 p.m.

Senate

FRIDAY, JUNE 6, 2008

The Senate met at 9 a.m. and was called to order by the Honorable SHELDON WHITEHOUSE, a Senator from the State of Rhode Island.

PRAYER

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

Let us pray.

Eternal God, our hope for years to come. You are our rock and fortress, our deliverer and shield. We find refuge in You.

Give strength to our Senators. Energize them with the spirit of unity that will enable them to solve our Nation's most pressing problems. Keep them from becoming discouraged because of the enormity of their challenges as they look to You in faith. Guide our lawmakers in the direction that leads to justice, equity, and peace. We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable SHELDON WHITEHOUSE led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 6, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SHELDON WHITEHOUSE, a Senator from the State of Rhode Island, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

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

RESERVATION OF LEADER TIME

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

LIEBERMAN-WARNER CLIMATE SECURITY ACT OF 2008

Pending:

Reid (for BOXER) amendment No. 4825, in the nature of a substitute.

Reid amendment No. 4826 (to amendment No. 4825), to express the sense of the Senate that the United States should address global climate change through the negotiation of fair and effective international commitments.

Reid amendment No. 4827 (to amendment No. 4826), to express the sense of the Senate that the United States should address global climate change through the negotiation of fair and effective international commitments.

Reid amendment No. 4828 (to the language proposed to be stricken by Reid (for Boxer amendment No. 4825), to provide for the enactment date.

Reid amendment No. 4829 (to amendment No. 4828), to change the enactment date.

Reid motion to commit the bill to the Committee on the Environment and Public Works with instructions to report back forthwith, with Reid amendment No. 4830, to provide for the enactment date.

Reid amendment No. 4831 (the instructions of the Reid motion to commit), to change the enactment date.

Reid amendment No. 4832 (to amendment No. 4831), to change the enactment date.

CLOTURE MOTION

The ACTING PRESIDENT pro tempore. Under the previous order and pursuant to rule XXII, the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the substitute amendment No. 4825 to S. 3036, the Lieberman-Warner Climate Security Act.

Barbara Boxer, John Warner, Joseph Lieberman, Tom Harkin, Robert Menendez, Bill Nelson, Thomas R. Carper, Sheldon Whitehouse, Charles E. Schumer, Frank R. Lautenberg, Dianne Feinstein, Joseph R. Biden, Jr., John F. Kerry, Robert P. Casey, Jr., Patrick J. Leahy, Richard Durbin, Harry Reid.

The ACTING PRESIDENT pro tempore. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on amendment No. 4825 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, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

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

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The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from West Virginia (Mr. BYRD), the Senator from New York (Mrs. CLINTON), the Senator from North Dakota (Mr. CONRAD), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

I further announce that, if present and voting, the Senator from Delaware (Mr. BIDEN) would vote ''yea.''

Mr. KYL. The following Senators are necessarily absent: the Senator from Minnesota (Mr. COLEMAN), the Senator from Texas (Mr. CORNYN), the Senator from Idaho (Mr. CRAIG), the Senator from South Carolina (Mr. DEMINT), the Senator from South Carolina (Mr. GRAHAM), the Senator from New Hampshire (Mr. GREGG), the Senator from Arizona (Mr. MCCAIN), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Pennsylvania (Mr. SPECTER), and the Senator from Alaska (Mr. STEVENS).

Further, if present and voting the Senator from South Carolina (Mr. DEMINT) and the Senator from Texas (Mr. CORNYN) would have voted ''nay.''

The Senator from Minnesota (Mr. COLEMAN) would have voted ''yea.''

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 48, nays 36, as follows:

[Rollcall Vote No. 145 Leg.]

YEAS—48

Akaka	Inouye	Pryor
Baucus	Kerry	Reed
Bayh	Klobuchar	Reid
Bingaman	Kohl	Rockefeller
Boxer	Lautenberg	Salazar
Cantwell	Leahy	Sanders
Cardin	Levin	Schumer
Carper	Lieberman	Smith
Casey	Lincoln	Snowe
Collins	Martinez	Stabenow
Dodd	McCaskill	Sununu
Dole	Menendez	Tester
Durbin	Mikulski	Warner
Feingold	Murray	Webb
Feinstein	Nelson (FL)	Whitehouse
Harkin	Nelson (NE)	Wyden

NAYS—36

Alexander	Corker	Johnson
Allard	Crapo	Kyl
Barrasso	Domenici	Landrieu
Bennett	Dorgan	Lugar
Bond	Ensign	McConnell
Brown	Enzi	Roberts
Brownback	Grassley	Sessions
Bunning	Hagel	Shelby
Burr	Hatch	Thune
Chambliss	Hutchison	Vitter
Coburn	Inhofe	Voinovich
Cochran	Isakson	Wicker

NOT VOTING—16

Biden	Craig	Murkowski
Byrd	DeMint	Obama
Clinton	Graham	Specter
Coleman	Gregg	Stevens
Conrad	Kennedy	
Cornyn	McCain	

The ACTING PRESIDENT pro tempore. On this vote, the yeas are 48, the nays are 36. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. For everybody here, this will be the last vote today. We will have at least one vote in the morning on Tuesday, and perhaps multiple votes. So everybody will have to be here Tuesday morning. The votes will probably start at 10 o'clock in the morning.

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

Mr. WARNER. Mr. President, I wish to put in the RECORD a statement by Senator COLEMAN. He would have voted aye if he had been here today. I ask to have his statement printed in the RECORD.

• Mr. COLEMAN. Mr. President, we are in the middle of an energy crisis, and the only way we're going to get out of it is to dramatically transform how this country does energy.

That is what the Lieberman-Warner climate bill does—it takes on one of the greatest economic and national security threats America faces today: our energy insecurity.

Sometimes we must look around the mountain, we must look to our future and recognize where our path must lead. We must recognize that we need massive and speedy development of domestically produced clean energy sources.

If we had committed to this bill 10 years ago, we wouldn't be in the tight spot we find ourselves in right now. We needed carbon capture technology for coal, increased nuclear power, cellulosic ethanol, and widespread renewable energy use yesterday.

This year, nearly half a trillion of our dollars will be sent overseas for energy we are capable of producing at home. The fact is, we are being held hostage by a world oil market where much of the supply is controlled by thugs and tyrants like Ahmadinejad and Chavez. But, as we have found in Minnesota, we can grow our own fuel, and the potential of cellulosic ethanol to replace foreign oil makes today's renewable fuels production look small, but it still hasn't reached commercialization.

Meanwhile, nuclear energy is an affordable, zero-emissions source of energy, yet we have not built a nuclear plant in this country in 30 years.

And, due to environmental concerns, it is increasingly difficult to utilize one of our greatest sources of energy in the country: coal. We have a 250 year supply of coal that we must find a way to use for energy production because one thing is certain—America's energy needs are only increasing.

At the same time, we have abundant energy around us that has yet to be tapped. When I am fishing on a beautiful morning up in Lake Ada back home, the sunshine and steady breeze are a constant reminder of the renewable resources that we can harness to power our homes and businesses.

The solutions to our energy woes are at our fingertips; it's time we grabbed hold of the great opportunity at hand and lead an energy revolution that will be the source for future security and increased opportunity for generations to come.

But, we can't wait for this revolution to come to us. I am skeptical that we are just going to wake up one day and see cellulosic ethanol at the pump or see a nuclear energy renaissance or clean coal with carbon sequestration or widespread use of renewables, unless we take bold action.

Mr. President, that's what this bill is about.

The Climate Security Act empowers Americans to do what we must do, which is to transform our production of energy. It sets up a cap-and-trade system, just as was done in the 1990 Clean Air Act to combat acid rain, that gives greenhouse gas producers flexibility in meeting their obligations through submission of allowances. Listening to some of the debate over this last week, one might think this bill is a windfall for the Federal Government, but what this bill really does is allocate these allowances to help the folks regulated in their transition to clean energy and to help energy consumers, both families and businesses with their energy costs. Just look at what happens in 2012, when the cap begins:

Over 38 percent of allowances are given out for free to fossil-fired power plants, energy consumers, natural gas and petroleum facilities, carbon intensive manufacturing facilities, agriculture and forestry, and states that are manufacturing and coal reliant;

Another 36 percent of allowances go to states and emitters to incentivize clean energy deployment and carbon sequestration; and

The 25 percent of the allowances that the Government does ''auction'' go to programs that invest in our energy future by doing things like dramatically boosting clean coal technology, clean energy research and development, and worker training assistance.

In particular, the bill provides record investment in clean coal, renewables, and cellulosic ethanol, including: $17 billion of support for carbon capture and storage technology for coal to kick start this technology, $120 billion in incentives for carbon capture and storage, and my CO_2 pipeline study proposal; bonus allowances for renewable energy that I have strongly supported; $150 billion for renewable energy; $92 billion for low-carbon electricity technology; and $26 billion for production of cellulosic ethanol.

But there is no doubt in revolutionizing our energy production, a transition will be required that won't come easy. That's why, from the time I cosponsored the first Lieberman-Warner proposal, I made clear that as we work on this legislation, we have to keep in mind the single mother in St. Paul working two jobs who can't afford higher energy prices and we must protect the economy and American jobs.

I compliment Senators LIEBERMAN and WARNER for taking these concerns to heart. This substitute makes several critical changes from earlier drafts to assist poor and middle class families with energy prices and to protect jobs.

First, this substitute dramatically increases the resources dedicated to help consumers, both families and businesses, with energy costs—bringing the total assistance to $1.7 trillion. $800 million of this amount is targeted at a tax cut for low income Americans' energy costs. Meanwhile, this substitute increases by 40 percent the funding that will go to energy consumers through their utility bill, bringing this provision's assistance total to $900 billion.

Secondly, this bill includes a new allowance trigger at between $22 and $30 per allowance that provides an important off-ramp should costs become high. This trigger is critical because economic consequences escalate when the price of an allowance increases.

Many of the high energy cost and GDP estimates cited on the floor this week have been taken from an EPA study that assumes an allowance price of at least $46 per allowance. Under this substitute, prices won't be allowed to get anywhere near that level.

Finally, this bill places an allowance purchase requirement on importers of products like steel, chemicals, and other energy intensive products if a commission does not find that the country of origin is taking comparable action to curb greenhouse gases.

There is a lot of concern that this bill will increase energy prices and hurt the economy. You will hear many of my colleagues cite studies with drastic cost increase numbers. While this substitute amendment, with the protections I just outlined, has yet to be analyzed, I believe much of the economic pain projected in some studies is overstated—even without the off-ramp.

For instance, the independent Energy Information Agency found in their High Cost scenario that there is a predicted electricity price increase of 1.5 percent a year and a gas price increase of 2 cents per year. Meanwhile, EIA has projected less than half of one percent effect on GDP—again, this is before the off-ramp.

I do want to commend Senators LIEBERMAN and WARNER for their work on this bill—they deserve much credit for taking this on, for pouring themselves into this very difficult, complex task—taking on one of the great challenges of our day.

That's why I am so disappointed that we won't have a chance to consider this bill on the floor. Mr. President, the Clean Air Act took 5 weeks, we have been given less than 5 days on a much more comprehensive piece of legislation. The process set up here robs us of an opportunity to take our energy crisis head on.

I have supported the Lieberman-Warner effort as a cosponsor, and I continue to support this bill, but I have always made clear that I would work to improve the bill to protect Minnesota jobs. So, I have a few amendments, some that I am introducing, some I am cosponsoring that substantively improve this bill—many of these changes are very small, but the consequences of not including them will be very large in my state.

Because of this process, I won't have the chance to offer my amendment to create a fuel assistance fund that will lower Federal fuel taxes by an amount equal to fuel price increases those driving cars and trucks and riding on airplanes have to pay as a result from this bill. This is an amendment to protect American consumers, it's commonsense, and it keeps the Highway Trust Fund and the Airport and Airways Trust Fund whole.

I won't have a chance to amend the bill to ensure that my state's many waste-to-energy facilities are considered renewable. This is a small change, but without it, we could disadvantage an important clean energy technology.

This bill needs a nuclear energy title. We need to boost tax incentives for nuclear power plants and improve the existing loan guarantee program. We need to train a workforce for the nuclear renaissance that we'll need to meet our energy needs.

Meanwhile, we need to restore the transition assistance for rural electric cooperatives that was included in earlier drafts of the bill, and we need to exempt steel process emissions as there is no feasible technological alternative to using carbon to produce iron ore. If these process emissions aren't excluded, we're going to send steel jobs overseas.

These amendments are designed to work within the structure of this bill, to augment it, to remove negative impacts that could hit Minnesotans—they deserve to be considered.

Mr. President, the challenge we face in solving our energy security problems is great, but for the folks who don't think America can meet this challenge, I would like to remind them of the fight we had over the first Renewable Fuels Standard, RFS, just a few years ago. I worked with a bipartisan cast of colleagues to pass the first RFS in 2005, and at the time, it was criticized as onerous and too ambitious.

We thought we were aiming high by passing a 7.5 billion gallon renewable fuels requirement by 2012. Today, in 2008, we have the renewable fuel production capacity of 8.5 billion gallons—we have far out surpassed expectations of production at the time.

Driving around Minnesota's countryside, I have witnessed the source of this overwhelming success—local entrepreneurs, innovators, and visionaries. And, the Minnesotans who have built our renewable fuels industry, which contributes over $5 billion to the State's economy, have transformed their local economies. The government sent the market a strong signal, and the American people responded.

Mr. President, the time for an energy revolution is long overdue. We cannot afford delay, and it is my hope that we will be provided the time we need to consider and pass this critical bill in the near future.●

Mr. DODD. Mr. President, I rise today to speak on the Lieberman-Warner Climate Security Act. I am deeply grateful that we are at last beginning to address an issue that goes to the heart of our security, our economy, our ingenuity and our leadership in the world: Climate change.

Over the course of this debate, I have no doubt that some will continue to argue that the science of global warming remains ''inconclusive''—that there is simply too much uncertainty to take any sort of action.

But before we even go into the science of global warming, let us consider all that is quite certain today because of our dependence on fossil fuels.

We can start with our national security, which is compromised because we import oil to the tune of $300 billion every year, much of it from the most unstable countries in the world, a great many of whom are no friends to America.

We can then examine how this dependence puts our economy at risk, as families and businesses struggle with ever-rising gas prices that now top $4 per gallon, impacting our economic security and competitiveness alike.

We can also look at the public health implications, as asthma rates soar, disease spreads to new regions and the developing world experiences increases in climate-sensitive diseases, such as malaria, malnutrition—diseases that acutely threaten children.

There is also the rise in extreme weather incidents of Katrina-like ferocity that have increasingly become not the exception but the rule.

And finally, we can reflect on our waning moral leadership in the world, due at least in part because of this administration's stubborn insistence on abandoning the Kyoto Protocol entirely.

They didn't propose ways for the United States to improve a flawed but noble effort important to virtually every other nation in the civilized world. Nor did they demonstrate any commitment whatsoever on our part to leading the world in alternative energy production.

Instead, they simply let the problem fall to the next administration. They picked up their chair and went home.

Whatever else you think about the science of climate change, surely you must agree that American families have paid a price for our failure to act on these many related issues.

But I would immediately add, on the fundamental question of whether climate change is real and whether human actions are responsible, there can be no debate.

The Intergovernmental Panel on Global Warming, an international panel composed of hundreds of the

most respected scientists in the world, conducted a comprehensive study of available climate change data.

And what they found was unequivocal. The IPCC concluded that, and I quote, ''most of the observed increase in globally averaged temperatures since the mid-20th century is very likely due to the observed increase in anthropogenic greenhouse gas concentrations.''

In plain English, virtually the entire scientific community agrees on two points—one, that temperatures are rising because of greenhouse gas emissions, and two, that such increases are caused by human activity.

And so, let us be very clear: global warming is real, and we are causing it. It is not in question. And it is a very big problem for all of us.

Yet even still, some continue to push back. Some acknowledge the science behind climate change but argue we cannot take action because of the threat it poses to our economy.

They present us with what I believe is a false choice:

That we can choose environmental responsibility or economic prosperity, but not both.

I completely and emphatically disagree.

Our dependence on foreign oil and fossil fuels may pose some of our biggest problems. But breaking that dependence offers us the single greatest opportunity for a brighter, more secure future.

How is that possible?

Because if so many problems can stem from a single source—and in the case of energy, they surely do—then it is only logical that if we deal with that problem, we can begin meeting those challenges as well.

We can begin creating a stronger, more prosperous America that relies not on politically fragile corners of the globe for its security, but on the ingenuity of America's small businesses and university laboratories.

A stronger, more prosperous America that uses its abundant economic resources not to perpetuate anti-American sentiment abroad but to create jobs here at home—from the construction of energy efficient buildings and renewable energy power plants to an auto industry that builds cars that lead the world in fuel efficiency.

An America that charges not simply our cities with helping us achieve these goals but also rural communities across the country. That is not only a stronger, more prosperous America; it is one more Americans get to be a part of.

As such, I believe we can no longer wait to move to quickly reduce America's greenhouse gas emissions in a comprehensive way. That is why I have supported cap-and-trade proposals in the past, and I will continue to do so, because they offer a way for America to begin tackling global warming.

But I believe there is a more promising solution that too often gets lost in these debates: A carbon tax, a fee placed on each ton of carbon dioxide emitted from fossil fuels.

Such a solution has been endorsed by everyone from NASA scientist James Hansen and former Secretary of the Treasury Lawrence Summers to conservative Harvard economist N. Gregory Mankiw, President George W. Bush's former chief economic advisor.

Even Ronald Reagan's Secretary of State, George Schulze, has voiced support for the idea. All agree it is the most efficient way to address the climate problem.

The idea is simple. We already know how much carbon is emitted from the burning of various fossil fuels, and we already collect the data we need to figure out how much to tax each sale of fossil fuels. As such, all that we would need to do to impose a carbon tax is set a price for a ton of carbon. That price would increase over time, leading to decreased carbon emissions as the cost of using dirty fossil fuels overtakes the cost of investing in clean, renewable technologies.

I know ''new taxes'' have been anathema to American politics for years. But a carbon tax eliminates the last incentive there is to pollute because it is cheaper.

A carbon tax would reduce carbon emissions much more efficiently than a cap-and-trade program. The Congressional Budget Office said as much, finding that ''available research suggests that in the near term, the net benefits . . . of a tax could be roughly five times greater than the net benefits of an inflexible cap.

Put another way, a given long-term emission-reduction target could be met by a tax at a fraction of the cost of an inflexible cap-and-trade program.''

Why? Because a tax provides the kind of long-term predictability for the price of emissions a carbon allowance would not. It allows companies to more effectively plan over the long-term how they could most cost-effectively reduce emissions.

Additionally, a carbon tax could be much more easily administered and overseen than a cap-and-trade program because the administrative infrastructure already exists to levy taxes on the upstream sources of fossil fuels, with their carbon contents known quantities as well.

Unlike cap and trade, which would require a complex new administrative structure to oversee and regulate the carbon market, we don't have to start from scratch.

In my view, a carbon tax is a critical piece of the debate over global warming, and I look forward to engaging with Chairwoman BOXER and my other colleagues in making part of this discussion. If for no other reason than the short window of time with which we have to address this problem before it is too late, it must be.

Allow me also to briefly address some other issues raised by the Lieberman-Warner bill.

I appreciate all that Chairwoman BOXER and her colleagues on the EPW Committee have done to take care of low-income consumers who will struggle with rising energy prices and the increased cost of consumer goods. The steps taken in this bill are certainly a good start.

However, I am concerned that we could be delivering rebates to low-income consumers more efficiently than we do in this legislation. Already, nearly 3,000 of the 5,400 households in my State who qualify for heating assistance are exhausting their benefits in the dead of winter every year.

We cannot put seniors and low-income households in the position of having to stretch tight household budgets to the breaking point simply to heat their homes, drive to work and put food on the table.

I look forward to working with Chairwoman BOXER and others to make sure our most vulnerable citizens are taken care of, which I know is as high a priority for her as it is the rest of us.

Lastly, I want to say a word about public transportation which falls within the jurisdiction of the Banking Committee. Given that the transportation sector is responsible for a third of all U.S. greenhouse gas emissions, clearly we need to direct significant resources toward public transit, which reduces the number of cars on the road.

While I thank Chairwoman BOXER as well as Senators LIEBERMAN and WARNER for recognizing transit's importance in this bill, I do believe more needs to be done, and I look forward to working with them to make that possible.

Ultimately, I believe this bill represents an important first step toward grappling with what may prove to be the defining challenge of our age. And if we meet this challenge, it could mean the difference between rural America being left behind by the 21st century economy or becoming the engine that drives it.

It may be the difference between small businesses being burdened by energy costs or finding innovative ways to drive them down.

It may well be our very best chance to give our children and grandchildren the future of hope, prosperity, and optimism I know we all want to give them.

I thank the Chair for this opportunity, yield the floor, and look forward to this debate continuing in the coming weeks and months.

Mr. JOHNSON. Mr. President, today I share with my colleagues some thoughts regarding how to reduce worldwide greenhouse gas emissions and a few key benchmarks I believe should be included in a national strategy to address this environmental and economic security challenge.

The scientific evidence linking the effects of man-made releases of carbon dioxide and the warming of the Earth's climate is clear. In 2007, the Intergovernmental Panel on Climate

Change analyzed the science on climate change and concluded with high probability that the Earth is dramatically warming and that the atmospheric concentration of CO_2 is at the highest level in 400,000 years. To forestall the most significant effects of predicted changes in the world's climate over the next 50 years, the United States and other major emitting nations must begin to transition to a low-carbon economy. Although South Dakota may avoid the direct consequences of rising sea levels or more powerful storms caused by climate change, in many other respects my State is vulnerable to changes in the Earth's temperature. More frequent and severe droughts would dramatically harm the State's economy. The loss of productive farmland, denuded pastureland, and scarce ground and surface water supplies are probable under the current scientific modeling on a warming planet. The Prairie Pothole Region, which is partially located in my State, and is the most important duck and geese habitat in North America, is threatened by the effects of climate change. These changes, if borne out in the next generation, would have significant and severe economic consequences for my State.

Understanding clearly the probable environmental harm from taking no action, I support a mandatory, nationwide program that limits greenhouse gas emissions. I have voted in support of a nationwide plan previously because it is important to reach agreement and understanding on the complicated legislative, regulatory and economic choices from a nationwide strategy.

With the strong, peer-reviewed scientific conclusions linking climate change to human caused greenhouse gas emissions, the future uncertainty and cost of a nationwide program to reduce these emissions challenge our path to producing the optimal bill. We need to take strong steps with an early no regrets policy of action. Over the longer-term, addressing this problem will require changes in how we produce and use energy. It is realistic to expect such a plan to have costs. Transiting to lower carbon forms of energy production not yet commercially deployable could increase the price of producing energy. Creating policies and incentives that contain those costs over the next several decades to lessen impacts to consumers is a key concern of mine.

A nationwide plan that caps greenhouse gas emissions must make room for the expansion of traditional fossil fuel generation sources to meet growing energy demand. I am a strong supporter of renewable energy—biofuels, wind and solar energy can and should make up an increasingly greater share of our country's energy mix. I support a mandatory, nationwide renewable electricity standard to increase the amount of renewable electricity produced from less than 5 percent currently to a requirement of 15 percent in the next 10 years. However, we need the full suite of energy resources and that includes natural gas and coal. In my State, we have a diverse mix of energy resources, including hydropower, wind, natural gas and coal-fired generation. To keep that available and cost-competitive mix of fuels, a mandatory greenhouse gas reduction program must be linked to an aggressive and dedicated source of funding for reducing the emissions from conventional energy sources. Carbon capture and sequester is a path forward to keep coal as a fuel source, but reduce harmful CO_2 emissions. Commercially deployable CCS technology is not yet available. It will take several more years and billions of dollars in research and testing to develop the right types of CCS processes that separate CO_2 from the emissions stream. Accordingly, it is important to try to link reductions from existing sources with the likely path of technology development. Is it possible to completely match up reduction targets with technology development? Probably not. Technology develops at an inconsistently timed pace. Nonetheless, a plan that includes an unrealistically optimistic emissions reduction schedule that does not meet up with the resources for next-generation emission reduction technologies will break the program and hamper our efforts to reduce greenhouse gas emissions.

Part of the solution to this challenge resides in ensuring that incumbent as well as new entrant fossil fuel generators can manage price and emission reductions and have the resources to invest in new, low-emitting technologies. Allowance distribution should, as one factor, take into consideration historic emissions in allocating emission allowances. A limited and tightly controlled auction and other distribution calculations can be incorporated into this framework, but if we don't get this part of the program right it could swamp our efforts in other parts of the economy to wring carbon from the production process.

The good news is that South Dakotans can bring our strengths to contributing to the solution of a low carbon and economically strong America. Farmers, ranchers and forestland owners can play an important role in reducing greenhouse gas emissions. Agriculture practices and land management decisions that sequester carbon dioxide are cheap and efficient ways to comply with the requirements of a nationwide and mandatory program. The use of limited offsets and the flexibility of producers and landowners to get credit for past, current and future action target an incentive that eases costs for other sectors of the economy while at the same time creating an income stream for rural America. A ton of carbon sequestered, verified, and accounted is as powerful as reducing a ton of carbon from the smokestack of an electric utility or the smelter from a manufacturing facility. There is a strong coalition of Senators who believe that a vigorous offset program should be part of a comprehensive climate bill. Properly administered, offsets lower costs and improve compliance which is why I am confident that such a plan strengthens the objectives of a low carbon economy.

Mr. President, I feel confident the Congress can come together and address these challenges. Those deniers of the problem who throw up obstacles and simply say no to any and all avenues for action will find themselves increasingly marginalized and ineffective as the American people demand a serious response to a serious problem. My objectives and concerns should be viewed as a way to make an eventual policy more equitable and efficient. The consequences of taking no action are dire and simply unacceptable. Although the Congress will not find consensus this year on tackling the problem, I am glad that the Senate has started a much needed debate on this issue and count myself in the vast majority of citizens who feel we have the capability to curtail the effects of climate change.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. BYRD. Mr. President, the Constitution places the power of the purse squarely in the hands of Congress. The Lieberman-Warner climate security bill and the Boxer substitute to it, however, thwart the Constitution and longstanding tradition by shifting much spending power to the executive branch. In order to protect Congress's constitutional role to make spending decisions, I have introduced an amendment, cosponsored by Senators MURRAY, DORGAN, LEAHY, DURBIN, FEINSTEIN, and MIKULSKI.

Enacting this climate change legislation in its current form would vest unelected executive branch boards and agencies with unprecedented discretion on Federal spending in excess of more than $1.4 trillion in new and existing Federal programs over a span of 38 years.

Rather than Congress making decisions on funding and conducting oversight of Federal programs as intended by the Constitution, much of these responsibilities would be in the hands of the executive branch agencies.

In one specific case, the burden would be on Congress to stop executive branch decisions on Federal spending related to climate change initiatives. The Climate Change Technology Board would simply have to notify congressional committees 60 days in advance of a funding distribution for a range of energy technology programs. The money would be spent unless Congress could pass a law, signed by the President, to stop it. Effectively, the Senate could only stop the spending if it could muster 67 votes.

The legislation would not expire until 2050, meaning that the executive branch would go unchecked on spending decisions related to climate change

initiatives for 38 years. Our Founding Fathers clearly did not intend for Congress to relinquish the power of the purse to any President for any issue—and certainly not for nearly four decades on such a crucial and timely issue.

The clock is certainly ticking for America to take more responsible action on the global climate security challenge. Congress should retain its active role in funding and oversight of climate security programs, as it does for every other Federal program. It would be irresponsible to concentrate such power in the executive branch and then sit on the side lines watching as Federal agencies take action without a congressional check.

There is concern that the new funds raised in this bill through the auctioning of emissions allowances should be spent on the measures authorized in this bill to address climate change. Some may worry that our amendment would allow these new receipts to just sit in the Treasury and not get spent on their intended purpose. That is simply not the case.

Our amendment, No. 4920, addresses that concern head-on by granting these receipts special budget treatment and requiring that they be allocated only to the specified purposes and programs authorized in this climate change bill. The Committee on Appropriations would continue its rightful role in allocating these funds.

Under this approach—known as ''offsetting collections''—the amounts are appropriated annually in appropriations acts for the specific purposes allowed under the authorization act, but those appropriations are paid for by the auction receipts collected pursuant to the Boxer substitute. The receipts serve to offset the cost of the appropriation.

The ''offsetting collections'' model has worked successfully in the past. It has given the authorizing committees that have raised new fees the comfort that their new revenues would be spent on their intended purpose. At the same time, it has given the Committee on Appropriations the ability to continually oversee the spending of these funds and ensure that they are spent responsibly.

For example, the Appropriations Committee has successfully coordinated this approach with the Commerce Committee for new receipts that were established after the September 11 tragedy for the costs of the Transportation Security Administration. Every penny of the security fees that were newly established in the Aviation and Transportation Security Act have been appropriated annually by my Homeland Security Appropriations Subcommittee Act and only for the purposes specified in the authorizing law.

The purpose of our amendment is not to put a roadblock to these funds being spent. To the contrary, it is to keep honor with the intent of Chairman BOXER and her legislation while simultaneously keeping honor with the Constitution of the United States and the role of the legislative branch.●

Mr. INHOFE. Mr. President, there have been several companies, organizations, unions, and environmental groups that have come out against this bill by sending letters urging Senators to vote no on the legislation. I ask unanimous consent to have printed in the RECORD these letters signed by the following groups:

Duke Energy, National Association of Manufacturers, U.S. Chamber of Commerce, United Auto Workers, Farm Bureau, and the United Mine Workers of America.

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

FARM BUREAU,
May 30, 2008.

DEAR SENATOR: The full Senate is expected to debate climate change legislation, S.2191, the Lieberman-Warner Climate Security Act, during the week of June 2. We also expect that there will be a Boxer substitute amendment that will be the focus of the debate. The American Farm Bureau Federation urges you to oppose the substitute.

Agriculture can play a significant role in addressing climate change by reducing and sequestering carbon through tillage practices, manure and soil management, and other practices. These practices can also help to offset the emissions reductions imposed by cap and trade legislation, thereby reducing the costs of the bill to regulated industries and to consumers. The Boxer amendment fails to recognize these benefits that agriculture can provide.

While establishing a domestic offset market, the bill fails to assure that domestic offsets will be available. It leaves the decision whether to allow any agricultural offsets at all, and which to allow, at the sole discretion of the Environmental Protection Agency. The bill establishes an artificial cap of 15 percent on the number of domestic offsets available, and further provides that any unfilled portion of that amount may be filled by international offsets. The cap on agricultural offsets stifles efforts of producers to reduce or sequester carbon, and the cap on offsets also increases the economic impacts of the legislation on businesses and consumers.

The bill also stifles development of agricultural reduction or sequestration projects by creating uncertainty as to whether projects will even be approved for the offset market. The bill requires any project to be completed first and the carbon reduction or sequestration benefits be verified before a decision to approve is made. This uncertainty creates a disincentive for project managers and buyers of offsets to enter into carbon reduction projects if they might not be approved as offsets.

Many agricultural practices that reduce or sequester carbon also have other environmental benefits. For example, reduced tillage practices have soil erosion control and water quality benefits in addition to sequestering carbon. By requiring that projects may not be approved as offsets unless their sole purpose is to reduce greenhouse gas (GHG), the bill disqualifies many otherwise worthwhile projects that have collateral environmental benefits, and may discourage the development of these multi-benefit projects.

Finally, unilateral carbon mandates by the United States that impose cost increases on American producers without a corresponding and similar commitment from other countries such as China, India or Brazil, among others, puts American producers at a significant competitive trade disadvantage. Any benefits from reduced GHG emissions by the United States will be minimal if other countries continue to emit as usual.

Agriculture can play an important role in reducing and sequestering carbon, and thereby ease the costs to industry and to society of compliance with emission reductions. Its role must be fully recognized in any climate change legislation. The Boxer substitute fails to recognize this and provides no assurances that agriculture will have any opportunity to mitigate the obvious increased costs of this legislation. We urge you to oppose it.

Sincerely,

BOB STALLMAN,
President.

DUKE ENERGY CORPORATION,
Charlotte, NC, June 2, 2008.

DEAR SENATOR: I appreciate the tough decisions you may be called on to make in the next several days as climate change legislation comes to the Senate floor for, what I hope will be, a healthy debate. I am grateful for the courtesy you've extended Duke Energy and me personally in allowing us to make our case for a fair climate bill that benefits the environment without penalizing the customer.

As you are well aware, Duke Energy has been a strong supporter of enacting a mandatory, economy-wide greenhouse gas cap-and-trade program. As this issue has continued to develop over the last several years we have taken a leadership role in working with a wide group of affected stakeholders on both sides of the debate to try and find common ground and move this issue forward. I think we have made progress in that regard, and I am confident more will be made in the months ahead.

But we have said from the beginning that, as important as it is for Congress to act on climate change, it is just as important that Congress get it right. In our view, the legislation Senator Boxer plans to offer on the Senate floor does not meet that test. Its provisions, as written, would impose excessive and unfair costs on our customers which, in our view, would unnecessarily disrupt the regional and national economies.

While costs cannot be a reason for inaction, they must be part of the decision making process. Our country will require time as we transition to a low-carbon economy and Congress must find effective ways to cushion that transition, which is particularly important for customers in states that depend heavily on fossil fuel generation. Senator Boxer's amendment makes some progress in trying to mitigate these economic concerns, but it does not go far enough to ensure against substantial electricity price increases on Day 1 of the program. Customers in the 25 states whose generation is more than 50 percent coal-fired will pay a disproportionate share of these higher costs.

As previous successful cap-and-trade programs have shown, there are more effective ways to achieve our environmental goals, while keeping costs low. Providing transitional allowances to fossil generators based on and equal to historic emissions proved to be a win-win for customers and the environment under the Acid Rain Program and Duke believes this approach would have the same results under carbon legislation.

If the measure to be debated were enacted into law, costs to the average household, especially in those 25 coal-based states, would increase rather quickly because a significant number of emission allowances would have to be purchased through an auction at a fluctuating price. These costs to consumers would be in addition to increased costs for the capital investments required for actually

lowering carbon emissions. The additional charges paid by these customers to buy allowances will not lower carbon emissions by one ounce, but will have a profound economic impact on their everyday lives.

In 2007 Duke Energy provided electricity to more than 3.7 million homes in South Carolina, North Carolina, Ohio, Indiana, and Kentucky. More than 20 percent of these homes had a combined income of less than $25,000 a year, with 7 percent earning less than $10,000 a year. These families are already struggling due to higher prices for other goods and commodities and it is unfair and unnecessary to require them to fund a substantial portion of the climate program through increased energy bills. And while there are provisions contained within the bill to assist low-income families with their energy bills, it is somewhat disingenuous to tell them they will get a rebate when they get back only a fraction of what they put in.

As I have stated before, addressing climate change should be a transition from where we are today to where we need to be tomorrow. The program will not work if it is based on the premise that there needs to be an immediate upheaval of our current infrastructure base. Instead, legislation will work if its intent is to build the foundation to transition our economy to a low-carbon environment.

Even without a national climate change policy Duke Energy is implementing steps to lower its carbon footprint. We continue to invest in energy efficiency and over the next five years plan to invest approximately $23 billion (almost equal to our current market cap) to make our entire system more efficient, retire inefficient plants and increase our renewable energy portfolio. These investments show Duke Energy's commitment to addressing climate change. But, this transition will take time and cannot be accomplished overnight.

While it is unfortunate that Duke Energy cannot support the current climate change measure, we remain committed to being a constructive part of the debate as this issue moves forward. Strong leadership will be required to pass legislation that protects our environment, protects our economy and protects our customers and I look forward to working with you to make this a reality.

Sincerely,

JAMES E. ROGERS,
Chairman, President and CEO.

NATIONAL ASSOCIATION OF MANUFACTURERS,
Washington, DC, June 3, 2008.

Hon. JAMES M. INHOFE,
U.S. Senate, Senate Russell Office Building, Washington, DC.

DEAR SENATOR INHOFE: On behalf of the National Association of Manufacturers (NAM), the nation's largest industrial trade association representing manufacturers in every industrial sector and in all 50 states, I urge you to oppose S. 3036, the Lieberman-Warner Climate Security Act, as introduced.

The NAM understands the importance of environmental stewardship. Our member companies are committed to pursuing reductions in greenhouse gas (GHG) emissions, provided that any commitments made by the United States are mirrored by comparable commitments by our trading partners, are based on sound science and cost-effectiveness, and are applied equally throughout the economy.

The NAM opposes S. 3036's nationwide cap-and-trade program because it:

Does not pre-empt conflicting state and local climate change laws and/or regulations;

Imposes major new requirements on businesses without sufficiently protecting U.S. competitiveness or funding the research, development and commercial deployment of essential new technologies;

Omits ''safety valve'' provisions that are key to ensuring cost containment;

Is limited in scope and does not include all sectors of the economy;

Unnecessarily increases demand on natural gas, driving up energy costs and job losses;

Does not adequately promote global participation; and

Creates a multitude of conflicting and duplicative regulations for manufacturers.

The NAM, in cooperation with the American Council for Capital Formation, commissioned a study earlier this year to assess the potential economic impacts of the Lieberman-Warner legislation. The study concluded that, if adopted, the legislation by 2030 could lead to net national employment losses of up to 4 million jobs, electricity price increases of up to 129 percent, gasoline price increases of up to 145 percent and a loss of household income of up to $6,752 per year.

Manufacturers are committed to working with Congress to establish sensible and responsible federal climate change policies that reduce GHG emissions, but these policies must maintain a competitive playing field for American companies. S. 3036 fails this test, and we oppose its passage. We will be closely evaluating amendments that affect U.S. manufacturers and workers and will be communicating our views on these amendments prior to their final consideration.

The NAM's Key Vote Advisory Committee has indicated that votes on S. 3036, including votes on related amendments or procedural motions, merit designation as Key Manufacturing Votes.

Thank you for your consideration.

Sincerely,

JAY TIMMONS,
Executive Vice President.

UNITED MINE WORKERS OF AMERICA,
Fairfax, VA, May 27, 2008.

Re: S. 2191

Hon. BARBARA BOXER,
Chair, Environment and Public Works Committee, Senate Dirksen Office Building, Washington, DC.

Hon. JAMES INHOFE,
Ranking Minority Member, Environment and Public Works Committee, Senate Dirksen Office Building, Washington, DC.

DEAR SENATORS BOXER AND INHOFE: As President of the United Mine Workers of America (UMWA), I am writing to explain why we do not support S. 2191, the Lieberman-Warner Climate Security Act of 2008.

The UMWA has participated in the global climate change debate for more than 15 years, both domestically and abroad as an NGO at all major negotiating sessions of the U.N. Framework Convention on Climate Change (FCCC). Last July, we were pleased to join the AFL-CIO and many of our labor colleagues in endorsing the bipartisan Bingaman-Specter bill, S. 1766.

Our support for S. 1766 reflected our agreement with its emission reduction targets and timetables provisions to accelerate the commercialization of carbon capture and sequestration (CCS) technology, and projected moderate impacts on the U.S. economy overall, and on coal utilization in the electric utility sector. Recent analyses by EPA and EIA confirm our judgment in this regard.

We met with Committee staff during the development of S. 2191, expressing our deep concerns about the Bill's overly aggressive targets and timetables for near-term reductions, particularly the magnitude of reductions required by 2020, It is not feasible to deploy CCS technology on a large-scale basis by that time. With the economy-wide emission trading system employed by S. 2191, the electric utility and coal industries would bear the brunt of the adverse economic and job impacts associated with compliance. EIA's recent analysis shows that over time, these adverse impacts will spread across our manufacturing and industrial base.

The severity of these impacts cannot be justified on environmental grounds in light of EPA's analysis of the comparative global CO_2 concentrations resulting from alternative climate change bills before the Senate. In essence, there is no significant difference among these bills measured in terms of future atmospheric concentrations of CO_2.

The world's ability to stabilize future global CO_2 concentrations—the long-term goal of the U.N. FCCC—depends overwhelmingly upon the willingness of major developing economies like India, China, Brazil and Mexico to accept meaningful commitments to reduce their future rate of emissions. The magnitude of their commitments will not be evident until the conclusion of the Copenhagen negotiations scheduled for December 2009.

We appreciate the efforts that you and the Committee have made to accommodate labor's interests in the initial bill, the Committee mark-up, and the Manager's Amendment. CCS bonus allowances, provision for Davis-Bacon compliance, inclusion of the IBEW-AEP trade provisions from S. 1766, a limited cost-containment ''off-ramp'' and additional technology incentives are welcome additions. However, these measures do not mitigate the severe adverse impacts that S. 2191 would have on American workers, primarily due to the unrealistic schedule of emissions reductions required by 2020, just 12 years from now.

IMPACT ON COAL UTILIZATION

Both EPA and EIA's analyses of S. 2191 indicate that U.S. coal production for electric generation would be sharply reduced due to the concentration of emission reductions in the utility sector, in turn reflecting the low availability of CCS technology when the 2020 reductions are required. Emission reductions in the transport sector are minimal in comparison.

The table below summarizes EIA's findings for electricity generated by coal and natural gas under its business-as-usual Reference Case, Core S. 2191 case, and ''Limited Alternatives'' case for 2020 and 2030. EIA's core case assumes that nuclear generation will triple by 2030. The limited alternatives case constrains coal-based CCS, new nuclear power, and renewables generation to reference case levels.

EIA S. 2191 PROJECTIONS OF COAL AND NATURAL GAS ELECTRIC GENERATION, 2020 AND 2030

[Billions of kilowatt-hours and pct. chg. from 2006]

	2006	2020 Ref. Case	2020 Core Case	2020 Ltd. Alter.	2030 Ref. Case	2030 Core Case	2030 Ltd. Alter.
Coal	1,988	2,357	1,890	1,606	2,838	703	703
		+19%	−5%	−19%	+20%	−65%	−65%
N. Gas	806	833	761	1,094	741	427	1,558

EIA S. 2191 PROJECTIONS OF COAL AND NATURAL GAS ELECTRIC GENERATION, 2020 AND 2030—Continued

[Billions of kilowatt-hours and pct. chg. from 2006]

2006	2020 Ref. Case	2020 Core Case	2020 Ltd. Alter.	2030 Ref. Case	2030 Core Case	2030 Ltd. Alter.
.....	+3%	−6%	+36%	−8%	−47%	+93%

Source: DOE/EIA, n.2, Table ES2.

These findings, showing a 65% reduction in coal use in both the core and limited alternatives cases from 2006 levels, underscore our concerns about the lopsided impacts of S. 2191 on our members. We also note the potential for huge increases in the demand for natural gas in the limited alternatives case, with adverse implications for other industries and consumers dependent on scarce gas resources. If EIA's core case assumptions about the robust growth of nuclear power proved optimistic, utilities would have little choice but to switch from coal to natural gas on a massive, unprecedented scale.

EPA's results are consistent with EIA's findings. EPA projects that coal production for electric generation would decline from 1.1 billion tons in 2010 to less than 800 million tons in 2020, and to less than 700 million tons by 2025—a reduction of nearly 40% from 2010 production. Electricity prices are forecast to increase 44% by 2030, assuming that allowance cost can be partially passed through to consumers.

EPA attributes the disproportionate concentration of emission reductions in S. 2191 within the utility sector to the ''relatively modest indirect price signal an upstream cap and trade program sends to the transportation sector.'' EIA's analysis of the distribution of CO_2 emissions expected in 2020 and 2030 under its core case and five alternative cases shows a similar disproportionate impact on the electric power sector.

MANUFACTURING AND OTHER INDUSTRIAL SECTORS

Higher electricity and other fuel costs would depress demand for industrial output and result in job losses across of the economy. EIA's analysis compares the reduction of the value of industrial shipments (excluding services) for S. 2191 and S. 1766, as summarized below for the S. 2191 core and limited alternatives cases:

IMPACTS OF S. 2191 AND S. 1766 ON INDUSTRIAL SHIPMENTS, 2020 and 2030

[In billions of 2000 dollars and pct. change from reference case]

	2020 Core Case	2020 Ltd. Alter.	2030 Core Case	2030 Ltd. Alter.
S. 2191	−$100	−$153	−$233	−$354
	−1.4%	−2.1%	−2.9%	−4.4%
S. 1766 Update	−$55	n.a.	−$139	n.a.
	−0.8%	.....	−1.7%	.....

Source: DOE/EIA, n. 2, Table 4.

The adverse impacts of the Bingaman-Specter bill on industrial shipments (and by implication, on industrial employment) are roughly one-half those projected for the S. 2191 core case, and one-third those for the limited alternatives case.

At 2002 productivity rates, each U.S. manufacturing worker produced shipments or sales receipts of some $266,000 annually. At this rate, one billion dollars of reduced manufacturing output translates to approximately 3,750 direct job losses. A loss of $354 billion of industrial shipments could represent the loss of 1.3 million jobs. Multiplier effects for indirect job losses are typically a factor of 2 to 3 times direct job losses, implying total potential job losses of 2.7 to 3.9 million American workers.

Given the rising uncertainties about our future economic growth, sacrificing an additional hundred billion dollars or more of annual industrial output relative to other policy measures is difficult to justify without a compelling demonstration of offsetting environmental benefits. We do not believe such a demonstration is possible for differences of a few parts per million of global CO_2 concentrations 50 to 100 years from today.

LOOKING AHEAD

The global climate debate has progressed rapidly in the past few years due to the commitment and sincere efforts of leaders on both sides of the aisle in seeking balanced solutions that can protect the American economy and jobs while achieving significant reductions of greenhouse gases. This is the basic objective that has guided our involvement in this issue from the outset.

Legitimate debate remains about measures such as cost containment, preemption of duplicative state and regional cap-and-trade programs, emission offsets, international trading, technology incentives and other provisions of S. 2191. We remain persuaded, however, that the key to striking an appropriate balance must involve adjustment of unrealistic targets and timetables that do not provide sufficient time for the widescale commercial deployment of CCS technology. Neither advance allowance auction reserves, as proposed by the Manager's Amendment, nor additional CCS incentives will allow CCS to play a major role in compliance plans by 2020. It requires a decade or more to site, permit and construct a single baseload facility.

We look forward to working with you and your colleagues in the Senate as you seek to further improve S. 2191.

Sincerely,

CECIL E. ROBERTS.

WASHINGTON, DC, *June 2, 2008*.

DEAR SENATOR: This week the Senate is scheduled to consider legislation to decrease emissions of greenhouse gases, the Lieberman-Warner Climate Security Act of 2008 (S. 2191). At that time, we understand that Chairwoman Boxer and Senators Lieberman and Warner intend to offer a manager's amendment making a number of important changes in the bill that was reported by the Committee on the Environment and Public Works. Unfortunately, even with these changes the legislation still contains serious defects that would undermine the environmental benefits, while posing a threat to economic growth and jobs. Accordingly, the UAW opposes this bill in its current form. We urge you to insist that the legislation must be modified to correct these defects.

The UAW agrees that climate change is a serious problem that urgently needs to be addressed through the establishment of an economy-wide cap-and-trade program. We commend Chairwoman Boxer and Senators Lieberman and Warner for crafting legislation that would establish this type of program and achieve very significant reductions in greenhouse gases. The UAW is pleased that this bill covers the electric power, industrial and transportation sectors, which account for the overwhelming percentage of greenhouse gas emissions. We are also pleased that the transportation sector is covered on an ''up-stream'' basis through the regulation of fuels, which is the most economically efficient mechanism. The UAW applauds the inclusion of transition assistance for workers. And we welcome the provisions allocating allowances to states whose economies rely heavily on manufacturing.

The UAW would especially like to commend the chief sponsors of this legislation for including provisions (Sections 1111–1115) establishing a Climate Change Transportation Technology Fund that would use revenues from the auction of 1 percent of the allowances each year to finance a manufacturer facility conversion program. This critically important initiative would provide grants to manufacturers to pay for up to 30 percent of the costs to retool facilities in the United States to produce advanced technology vehicles (hybrids, clean diesels, fuel cells) and their key components. This will help to speed up the introduction of these advanced technology vehicles, thereby reducing oil consumption and greenhouse gas emissions. At the same time, it will provide a significant incentive for auto and parts manufacturers to retool facilities in this country to produce these vehicles of the future and their key components. This can create tens of thousands of jobs for American workers.

While recognizing these very positive provisions in S. 2191, the UAW still is very troubled by a number of provisions and omissions.

1. Even though S. 2191 establishes an economy-wide cap-and-trade program to reduce greenhouse gases, Section 1751 makes it clear that the Environmental Protection Agency (EPA) would retain residual authority under the Clean Air Act to regulate CO_2 emissions. This effectively means that EPA would be free to disregard key decisions that Congress will make in considering S. 2191 concerning the timetable for reductions in CO_2 emissions, the appropriate point of regulation, and the distribution of economic burdens. Instead, EPA would be free to regulate CO_2 emissions from the electric power, industrial and transportation sectors in ways that differ fundamentally from S. 2191. The UAW believes it is inappropriate and untenable to allow a federal agency to supersede decisions by Congress in this manner.

2. Section 1731 of S. 2191 does not simply preserve existing state authority to regulate greenhouse gas emissions. Instead, as the Committee report makes clear, this provision is drafted in a manner that would trump

pending litigation concerning the scope of existing state authority—specifically whether state auto CO_2 tailpipe standards are preempted by federal law. The UAW believes the courts should be allowed to resolve this contentious issue. Thus, Section 1731 should be redrafted to indicate that it is just preserving existing state authority, not deciding what the scope of that authority is.

3. S. 2191 fails to deal with the important issue of how state climate change measures will interface with the federal cap-and-trade program. Instead, it simply calls for a study on this issue (Section 1761). Because of this critical omission, the unfortunate reality is that state climate change measures would result in ZERO additional reduction in greenhouse gas emissions beyond the level already mandated by the federal cap-and-trade program established by S. 2191. Although state measures could reduce emissions from a particular sector, this would simply relax the pressure from the federal cap on other sectors, without providing any net environmental benefit. The UAW submits that this is a nonsensical result. If the states are going to be allowed to implement climate change measures that impose significant economic burdens on particular industries, a mechanism should be established to ensure that these state measures can interface with the federal cap-and-trade program in an appropriate manner, and thereby provide additional reductions in greenhouse emissions.

The UAW believes this can easily be accomplished by allowing entities regulated by state climate change measures to purchase and retire allowances from the federal program to satisfy the state standards (to the extent they are more stringent than comparable federal standards). This would guarantee that the state measures actually provide an environmental benefit through additional reductions in greenhouse gas emissions, while also allowing this to be accomplished in the most economically efficient manner in keeping with the fundamental premise of the federal cap-and-trade program.

4. In our judgment, S. 2191 still does not deal adequately with the problem of international competition. We recognize that the manager's amendment includes a number of changes that strengthen the provisions of the bill that are intended to encourage other nations—especially India and China—to adopt comparable climate change programs, and to prevent American businesses and workers from being placed at an unfair competitive disadvantage. However, the UAW is still concerned that the definition of ''manufactured item for consumption'' (Section 1301(13)) grants too much discretion to the International Climate Change Commission and the EPA in determining whether finished products (such as automobiles or auto parts) are subject to the international reserve allowance requirements. If these products are not covered, this could pose a major threat to the jobs of American workers. Thus, we believe this section of the legislation needs to be redrafted to make it clear that these products are in fact covered.

The UAW strongly urges the Senate to correct the foregoing deficiencies in S. 2191. We believe all of these concerns can be addressed in a manner that is consistent with the essential thrust of S. 2191. If these problems are not corrected, we urge you to oppose this legislation.

The UAW also urges you to reject amendments that may be offered by various industries such as steel and airlines—to exempt the coal or oil that they use from the requirements of the cap-and-trade program. We firmly believe that a cap-and-trade program covering most of the economy is the only fair and effective way to meet the challenge posed by climate change. To the extent any industries obtain special ''carve outs'' for themselves, this will only serve to increase the pressure on the rest of the industries and sectors that are still covered under the cap-and-trade program. In the end, this could unravel the prospects for enacting any meaningful federal program to combat climate change.

The UAW recognizes that Senate consideration of S. 2191 represents the beginning of a long process to determine federal policy to address the serious threat posed by climate change. The UAW looks forward to working with Congress and a new administration to pass legislation establishing a federal cap-and-trade program that resolves the concerns discussed above, achieves major reductions in greenhouse gases, and enhances prospects for economic growth and the creation of jobs for American workers.

Thank you for considering our views on this critically important issue.

Sincerely,

ALAN REUTHER,
Legislative Director.

U.S. CHAMBER OF COMMERCE,
Washington, DC, June 5, 2008.

TO THE MEMBERS OF THE UNITED STATES SENATE: The U.S. Chamber of Commerce, the world's largest business federation representing more than three million businesses and organizations of every size, sector, and region, strongly urges you to oppose cloture on the Boxer manager's amendment to S. 3036, the ''Lieberman-Warner Climate Security Act of 2008.'' This week's truncated debate left many serious questions unanswered as to how to control domestic and international greenhouse gas emissions while keeping costs in check and assuring a reliable energy supply. As the debate vividly demonstrated, S. 3036 is not the proper vehicle to answer those questions.

First, and foremost, S. 3036 will be very expensive. Its predecessor, S. 2191, was forecast by a range of analyses to result in two to four million lost jobs, as high as 60 to 80 percent increases in household energy prices, as much as a 3.4 percent decrease in GDP, and an annual household cost of compliance, ranging from $1,000 to $6,700. Although S. 3036 was brought to the floor too rapidly for similar studies to be completed, it is clear that the cost of purchasing allocations under the bill would result in a $3.2 trillion tax. Moreover, the Congressional Budget Office recently estimated that S. 3036 would result in tens of billions of dollars annually in private sector mandates.

S. 3036 also creates a massive federal bureaucracy, via more than 300 mandates, that must be translated into rules, regulations and reports by the Executive Branch. The result: a cavalcade of new bureaucrats, decades of costly implementation and prolonged litigation. The Chamber's chart summarizing this regulatory nightmare is available at: http://www.uschamber.com/issues/index/environment/080603climatechange.

Finally, although S. 3036 earmarks a tremendous amount of money to provide support for the families impacted by the legislation, it fails to support the research and development of the technologies necessary to continue powering our economy as fossil fuels are restricted by the cap. S. 3036 also fails to address the problem of deployment, specifically the streamlining of permits for low- and zero-carbon energy technologies.

The Chamber strongly urges you to protect American jobs and the economy by voting no on cloture on the manager's amendment to S. 3036, and will include this vote in our annual How They Voted scorecard.

Sincerely,

R. BRUCE JOSTEN.

Mr. LEVIN. Mr. President, I invoke cloture in order to move forward with the debate and break the Republican filibuster so that we can amend and improve the bill in order to begin to address the problem of global climate change. I oppose it in its current form and would have voted no if the vote were on whether to pass the bill. For this reason, I joined with other Senate colleagues in a letter identifying many of my concerns and outlining a way to move forward. A copy of this letter is printed at the end of this statement.

Chairman BOXER and Senators LIEBERMAN and WARNER have taken on a matter of global significance, which will impact both present and future generations.

We are in agreement on the fundamentals: Global warming is occurring, and human activity is causing it. Scientists tell us that we need to act with urgency to attain the levels of global greenhouse gas concentrations in the atmosphere that will prevent catastrophic impacts from occurring.

The impacts of global climate change are being realized already. We have already been experiencing more heat waves, shorter winters, and more frequent severe weather events.

In the future, the EPA estimates that an acceleration in heavy rainfall events will cause more runoff, stressing the sewer infrastructure and harming water quality. Other projected future impacts are even more alarming: Portions of countries and entire islands could be lost to rising sea levels, crop yields could significantly decline, water shortages are expected, and droughts, hurricanes, and floods will likely increase.

Most experts agree that these phenomena will have a huge impact on people living in less developed countries and could result in the mass dislocation of millions throughout the world. Along with dire environmental and economic consequences, climate change could also impact our national security. Heightened domestic and international tensions caused by competition for scarce resources such as fresh water or agricultural land may result in armed conflict in and between nations.

While we agree on the fundamentals of the problem, I have some differences with the approach of this bill regarding how to confront the immense and complex problem of global climate change. I have consistently argued that the best way of addressing global warming is through an effective and enforceable international agreement that binds all nations to reductions in greenhouse gases, including developing nations such as China and India. Proponents of this bill have argued that U.S. action through this cap-and-trade bill will prompt action by other countries to reduce their emissions. The international provision in this bill that attempts to level the playing field may put some pressure on other countries to act, but it will not automatically get these

countries on board with us to reduce greenhouse gas emissions at levels comparable to ours. Unfortunately, if we do not get these other countries on board, what we do in the United States as a result of this bill will only have a marginal impact on controlling global greenhouse gas emissions and could create a severe economic disadvantage to us.

This bill does not adequately assure American manufacturing a level playing field. A recent Energy Information Administration analysis, EIA, projected manufacturing job losses in the hundreds of thousands each year if the Lieberman-Warner bill were signed into law. Cumulative job impacts in the manufacturing sector through 2030 are estimated at between 2 to 14 million manufacturing jobs. We have already lost 3.3 million manufacturing jobs since 2001, about 250,000 in Michigan alone. We cannot afford to lose any more because of an unlevel playing field. Significantly, EIA's projected manufacturing job losses can be attributed to manufacturers moving to countries with less stringent environmental standards. Without the proper protections, our actions may ship manufacturing facilities and the greenhouse gas emissions that go with them overseas, providing no environmental benefit while needlessly hurting our economy.

The substitute amendment offered by Senator BOXER makes few improvements to the Lieberman-Warner bill that was reported from the Environment and Public Works Committee. The cost containment auction will help to moderate emission allowance prices and help contain compliance costs, which will ultimately help control prices that hard-working consumers face. More assistance is provided to energy-intensive manufacturers to transition to a carbon-constrained world, and more allowances are provided to reward early action. The substitute amendment provides additional flexibility for covered sources to use EPA-verified offsets, which will also help control the costs of this bill. The substitute also includes some carbon market oversight mechanisms that will help monitor the new emission allowance trading market created by this bill. However, one of the changes in the substitute could have damaging impacts to our domestic auto industry because it could lead to potentially conflicting State regulations for greenhouse gas emissions from mobile sources and potentially highly unfair discriminatory impacts on U.S. manufacturers as a result of those state regulations.

I have filed a number of amendments and have cosponsored others that will strengthen the bill to protect American jobs, reduce the burdens on working families and consumers, and also protect the environment.

One of my amendments would provide Americans with protection from economic disruptions in case the costs of the bill exceed a certain level. Specifically, my amendment would suspend the compliance requirements of the cap-and-trade program if the emission allowance price reaches a prohibitively expensive amount. This amendment would provide an effective backstop if the various cost containment mechanisms included in the bill turn out to be less effective than expected and would prevent harm to the US economy.

Another amendment I filed would protect the competitiveness of U.S. manufacturers in international markets. While I am pleased that the bill sponsors included an important provision that would help level the international playing field between U.S. manufacturers and international competitors not facing similar greenhouse gas limits, if this provision does not survive a WTO challenge, the bill provides no recourse to correct the situation. My amendment would suspend this program and compliance obligations of manufacturers that face global competition if a foreign country retaliates against the international allowance requirement that would be imposed by this bill. Also, additional allowances would be provided to these manufacturers to compensate for their higher production costs that would result from this bill. This amendment would help keep manufacturers and jobs in the United States if the international reserve allowance program in title XIII results in retaliation by other countries.

I also joined Senators SPECTER and BROWN in filing an amendment that would strengthen the international reserve allowance program to ensure that importers bear the same responsibility as American manufacturers with respect to limiting greenhouse gas emissions. The bill attempts to do this by requiring certain importers to submit emissions allowances to account for the greenhouse gas emissions of their products if the product comes from a foreign country that has not taken comparable action to limit greenhouse gas emissions. However, the bill defines ''comparable action'' in such broad terms that it would likely exclude many countries that in fact have not taken similar actions. The bill gives discretion to the International Climate Change Commission that would be established by the bill to determine that a foreign country has taken comparable action if they are using state-of-the-art technologies to limit greenhouse gas emissions, without considering the magnitude of the reductions achieved by these technologies.

The Specter-Brown amendment would determine that a foreign country is taking comparable action only if actual greenhouse gas reductions are comparable to those achieved in the United States. The amendment would also broaden the types of imports that would be required to submit emission allowances by including both direct and indirect emissions generated in the course of manufacturing the product. The substitute amendment only includes direct emissions and emissions associated with the electricity used to manufacture the product, which fails to account for emissions associated with other inputs used to make downstream products. The Brown-Specter amendment corrects the competitive problem that would be faced by U.S. manufacturers.

I also filed an amendment that would provide more allowances to fossil fuel-fired electric utilities whose prices are regulated. A coal-fired powerplant is limited in its ability to reduce its greenhouse gas emissions because this depends entirely on the efficiency of the generating plant. A Congressional Research Service analysis found that efficiency improvements on the order of 4-to-6 percent could be achieved by improving an existing unit, which would in turn have a 4-to-6 percent reduction in carbon emissions. The only way to further reduce emissions from a powerplant would be to install carbon capture and sequestration technology, which is not expected to be commercially available until sometime after 2030. Because the electric utilities can do very little to address greenhouse gas emissions at existing plants, it is only fair to provide emission allowances to these facilities that power homes, retail establishments, and industry with vital electric power. Limiting additional allowances to utilities whose prices are regulated will prevent companies from realizing windfall profits, which occurred in the European Union.

I continue to be concerned about provisions of this bill that could result in both conflicting cap-and-trade systems and conflicting underlying regulations for greenhouse gas emissions. I believe that Congress should adopt a mandatory Federal economywide cap-and-trade program that will be the single regulatory regime for overall control of greenhouse gas emissions. Existing State laws and initiatives should be integrated into the Federal cap-and-trade program where the policies do not conflict, but in areas where the regulations or programs conflict or overlap, there must be a single clear national authority. Federal authority in this area should be made clear in the statutory language to prevent conflicts in regulation, preserve overall efficiency, and ensure harmonization of regulations.

I am also concerned about other provisions of the Boxer substitute. These provisions, taken together, seek to preserve state authority and to reward States that have been leaders in the effort to reduce greenhouse gas emissions and increase energy efficiency. I applaud efforts to encourage energy efficiency, and I have no concerns about that aspect of these provisions. I am very concerned, however, that rewarding States for leadership in greenhouse gas emission reduction efforts in the way laid out in this bill may have the effect of setting up an unworkable system that will result in confusion, at best, and regulatory chaos, at worst.

Section 614 would provide additional allowances to States that are ''leaders'' in the effort to reduce greenhouse gas emissions and increase energy efficiency. A leader is not defined by the act, however, and the EPA Administrator is given the task to establish a system, by regulation, for ''scoring historical State investments and achievements in reducing greenhouse gas emissions and increasing energy efficiency.'' To qualify as a leader under the terms of the bill, it appears that a State must have set more stringent standards than the Federal Government. To receive the reward of additional allowances, however, a State must either have never established a cap-and-trade system or have terminated its cap-and-trade program. In other words, on the one hand, the bill is encouraging States to set their own standards in order to qualify for additional allowances, but then, on the other hand, the States are told to terminate their programs in order to receive the additional allowances. That sounds to me like regulatory chaos. Worse still, the bill does not actually require States to terminate separate cap-and-trade programs it simply provides a financial incentive to do so. Therefore, if the financial incentive is not sufficient for the State to decide to terminate its program, there is too great a likelihood there will be conflicting and confusing Federal and State cap-and-trade systems.

It simply does not make sense to have competing Federal and State cap-and-trade programs. It simply will not work. If a State were to implement a more stringent cap-and-trade program that allowed regulated entities to purchase Federal emissions allowances to satisfy State compliance requirements, this would in turn increase demand for the Federal allowances, which would increase the price of Federal allowances. Thus, such an action by a State would affect entities in other States because the Federal allowance trading market is nationwide.

Another provision of this bill that gives me cause for concern is section 1731, entitled ''Retention of State Authority'', which purports to be a savings clause that simply preserves authority under existing provisions of law. I am concerned, however, about language in Senate Report 110–337, the report accompanying S. 2191, which states in part, ''The purpose of this section is to make it absolutely clear that this bill does not affect the validity of these State and local greenhouse gas emissions laws and regulations (and any related laws or regulations), so long as these laws require state and local reductions of greenhouse gas emissions at least as stringent as those required by federal law. There will be no express, implied, field, or conflict preemption of these regional, state, or local efforts.'' The report language concludes by saying, ''In interpreting the scope of this savings clause, the courts should follow the applicable precedent that calls for a narrow reading of federal preemption of state and local authority and a broad reading of this savings clause.'' Because of that concern, I have filed an amendment that would make clear that nothing in this act confers authority on either the Federal Government or State government to establish new standards in this area.

Lastly, I want to speak to why I am so concerned about the potential for conflicting State and Federal regulations in this area, particularly as it relates to greenhouse gas emissions from vehicles. The State of California has already issued regulations to limit greenhouse gas emissions from vehicles by establishing fuel economy standards that would apply to vehicles sold in that State. A number of other States have either adopted similar regulations or indicated that they intend to do so. The net effect of these regulations adopted in many States across the country—if allowed to go into force—would be a patchwork of potentially conflicting regulations because the average fuel economy standard required in each State would be driven by the sales mix of vehicles in that particular State.

Moreover, the regulations adopted by the State of California—the model regulations that other States would adopt—include a provision that is highly discriminatory against our domestic manufacturers. The California regulations have an exemption for manufacturers who sell less than 60,000 vehicles in the State. The effect of this exemption is that the California law would only regulate vehicles made by Ford, GM, Chrysler, Toyota, Honda, and Nissan. Other manufactures, such as Volkswagen, which is the fourth largest automaker in the world, would be exempt from the California law. In addition, automakers from Korea, India, and China and their vehicles would be exempt from the California constraints. Surely, we do not want to perpetuate such a discriminatory State law around the country. However, if the provisions of this bill confer new authority on State governments to set separate standards, we may do just that.

In response to questions I posed to Senator BOXER, the manager of the bill for the majority, concerning the scope of State and Federal authority in this bill, I have obtained from Senator BOXER answers to my questions to her, which clarify her intent as the author of the language in question. I will ask that the text of the questions and her answers be printed at the end of my statement.

I have highlighted a number of ways this legislation could be repaired. I filed amendments and cosponsored other filed amendments, which would do that. I agree with many provisions in this bill. The bill attempts to provide the necessary funding and technical resources so that we can successfully transition to a low carbon economy and recognizes at least in part the burdens of this transition. I am pleased that the substitute amendment provides more funding for manufacturing States to implement a variety of programs and measures that would help mitigate any negative impacts from global warming or the regulatory requirements of this bill. I am also pleased that the bill funds advancements in technology that could provide jobs and also reduce greenhouse gas emissions.

The bill establishes a national wildlife adaptation fund with mandatory funding that could be used for a very broad range of activities including Great Lakes restoration projects. In developing a plan for wildlife adaptation, the bill specifically requires the President to consider the Great Lakes Regional Collaboration Strategy which was developed with extensive public involvement. I have long supported the Great Lakes Regional Collaboration Strategy, but the lack of funding has presented a serious impediment to implementing it. The President's plan must include measures to protect, maintain, and restore coastal ecosystems to ensure that the ecosystems are more resilient to withstand the additional stresses associated with climate change, including water level and temperature changes in Great Lakes. The National Wildlife Adaptation Fund would be distributed to federal agencies for a series of wildlife programs, and the Great Lakes are eligible to receive funds through many of these programs. Each agency has the discretion to allocate funds to its various programs so it is unknown how much money the Great Lakes would receive.

To be sure, far-ranging action is needed to confront the daunting challenges of global climate change. While we are just now beginning to see the preliminary impacts of global warming, most scientists agree that the problems of climate change will only worsen in the future. I am hopeful that this debate has laid a foundation for us to move forward and for the United States to lead in what may be the defining issue of our planet's future environment. The potential costs of global climate change are tremendous, and these costs will only mount if we wait too long to address this critical problem. Clearly, we need to act to avert a global catastrophe. However, this action must be taken in a way that does not needlessly sacrifice additional American manufacturing jobs and further burden the working men and women of our country with higher gas, food, and energy prices. We need to invest in advanced technology that will help create jobs and spur our economy as well. With significant investment in research and development, public-private partnerships and incentives for manufacturers to invest in new technologies, we can make great technological leaps to reduce greenhouse gas emissions not only here but around the world.

I ask unanimous consent that the materials 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:

JUNE 6, 2008.

Hon. HARRY REID,
Majority Leader, United States Senate, S–221, the Capitol, Washington, DC.

Hon. BARBARA BOXER,
Chairman, Committee on Environment and Public Works, Dirksen Senate Office Building, Washington, DC.

DEAR MR. LEADER AND CHAIRMAN BOXER: As Democrats from regions of the country that will be most immediately affected by climate legislation, we want to share our concerns with the bill that is currently before the Senate. We commend your leadership in attempting to address one of the most significant threats to this and future generations; however, we cannot support final passage of the Boxer Substitute in its current form.

We believe a federal cap and trade program must not only significantly reduce greenhouse gas emissions but also ensure that consumers and workers in all regions of the U.S. are protected from undue hardship. A federal cap and trade program is perhaps the most significant endeavor undertaken by Congress in over 70 years and must be done with great care. To that point we have laid out the following principles and concerns that must be considered and fully addressed in any final legislation.

Contain Costs and Prevent Harm to the U.S. Economy: We hope that you recognize, as we do, the inherent uncertainty in predicting the costs of achieving the emission caps set forth in this or any climate legislation. While placing a cost on carbon is important, we believe that there must be a balance and a short-term cushion when new technologies may not be available as hoped for or are more expensive than assumed. There are many options to deal with the issue and all should be up for discussion in order to meet our environmental and economic goals. Ultimately, we must strive to form a partnership with regulated industries to help them reduce emissions as they transition from an old energy economy to a new energy economy which will protect both our environment and our economy.''

Invest Aggressively in New Technologies and Deployment of Existing Technologies: There is no doubt that we need a technological revolution to enter into a low carbon economy. It is critical that we design effective mechanisms to augment and accelerate government-sponsored technology R&D programs and incentives that will motivate rapid deployment of those technologies without picking winners and losers. We also want to include proposals to provide funding for carbon capture and storage and other critical low carbon technologies in advance of resources being available through the auction of emission allowances. We also need to aggressively deploy existing energy efficiency technologies now to retrofit millions of homes, buildings and manufacturing facilities to reduce electricity costs for everyone.

Treat States Equitably: Just as some groups of consumers will be more severely affected by the cost of compliance, so too will our states. The allocation structure of a cap-and-trade bill must be designed to balance these burdens across states and regions and be sufficiently transparent to be understood.

Protect America's Working Families: Any legislation must recognize that working families are going to be affected most significantly by any cap and trade legislation. Price relief for these families must be included in any federal cap and trade program. For instance, one way to provide some relief would be to provide additional allowances to utilities whose electricity prices are regulated, which would help to keep electricity prices low.

Protect U.S. Manufacturing Jobs and Strengthen International Competitiveness: The Lieberman-Warner bill contains a mechanism to protect U.S. manufacturers from international competitors that do not face the same carbon constraints. If this mechanism does not work, or is found to be noncompliant with the World Trade Organization, then the program needs to be modified or suspended. The final bill must include adequate safeguards to ensure a truly equitable and effective global effort that minimizes harm to the U.S. economy and protects American jobs. Furthermore, we must adequately help manufacturers transition to a low carbon economy to maintain domestic jobs and production.

Fully Recognize Agriculture and Forestry's Role: Agriculture and forestry are not regulated under the bill but they can contribute to reducing emissions by over 20% domestically. Furthermore, international deforestation contributes to 20% of global greenhouse gas emissions. Strong, aggressive and verifiable offset policies can fully utilize the capabilities of our farmers and forests. A strong offset policy can also reduce the costs of a cap and trade program while maintaining our strong environmental goals.

Clarify Federal/State Authority: Congress should adopt a mandatory federal cap-and-trade program that will be the single regulatory regime for controlling greenhouse gas emissions. Existing state laws and initiatives should be integrated into the federal cap-and-trade program where the policies do not conflict. Federal uniformity in this area should be made clear in the statutory language to prevent conflict in regulation, preserve overall efficiency, and ensure harmonization of regulations. Where a conflict exists, federal law needs to clearly prevail.

Provide Accountability for Consumer Dollars: The cap and trade program developed in the Lieberman-Warner bill has the potential to raise over $7 trillion. Much of these funds will be indirectly paid for by consumers through increased energy prices. The federal government has a fundamental obligation to ensure these funds are being spent in a responsible and wise manner. The development of any cap and trade program must recognize the sensitivity of this obligation and eliminate all possibility of waste, fraud or abuse.

We look forward to working with you to ensure that any final bill will address the problems of climate change without imposing undue hardship on our states, key industrial sectors and consumers.

Sincerely,

Debbie Stabenow, John D. Rockefeller, Carl Levin, Blanche Lincoln, Mark Pryor, Jim Webb, Evan Bayh, Claire McCaskill, Sherrod Brown, Ben Nelson.

QUESTIONS OF SENATOR LEVIN TO SENATOR BOXER

Would you be able to provide answers to these questions prior to the cloture vote on the Boxer Substitute to S. 3036?

Relative to the pending substitute,

1. Does the substitute (or underlying bill) directly or indirectly establish or provide federal or state authority to set standards relative to greenhouse gas emissions from mobile sources?

2. Does the substitute (or underlying bill) provide authority for states or regions to establish their own cap and trade programs for greenhouse gas emissions?

Concerning the language in Senate Report 110–337 relative to Section 9003, Retention of State Authority, in S. 2191, as reported, which states in part, as follows: ''The purpose of this section is to make it absolutely clear that this bill does not affect the validity of these state and local greenhouse gas emissions laws and regulations (and any related laws or regulations), so long as these laws require state and local reductions of greenhouse gas emissions at least as stringent as those required by federal law. There will be no express, implied, field, or conflict preemption of these regional, state, or local efforts.''

3. Does this mean ''There will be no express, implied, field, or conflict preemption of these regional, state, or local efforts'' by this Act, referring to S. 2191, as reported?

The report language concludes, ''In interpreting the scope of this savings clause, the courts should follow the applicable precedent that calls for a narrow reading of federal preemption of state and local authority and a broad reading of this savings clause.''

4. Does this mean ''federal preemption of state and local authority'' by this Act, referring to S. 2191, as reported?

Finally, with respect to existing law,

5. Does this bill in any way amend, change, or modify the other statutes relating to the authority of the Federal and State governments to adopt vehicle emissions standards?

RESPONSE TO SENATOR CARL LEVIN'S JUNE 5, 2008 QUESTIONS FROM SENATOR BARBARA BOXER

You have asked several questions about the Boxer-Lieberman-Warner substitute to S. 3036, the Climate Security Act. My response follows. Relative to the pending substitute:

1. Question: Does the substitute (or underlying bill) directly or indirectly establish or provide federal or state authority to set standards relative to greenhouse gas emissions from mobile sources? Answer: No.

2. Question: Does the substitute (or underlying bill) provide authority for states or regions to establish their own cap and trade programs for greenhouse gas emissions? Answer: No.

3. Question: [Concerning language in Senate Report 110–337 relative to Section 9003, Retention of State Authority, in S. 2191 as reported] Does this mean ''There will be no express, implied, field, or conflict preemption of these state or local efforts'' by this Act, referring to S. 2191, as reported? Answer: Yes.

4. Question: [Concerning report language regarding interpretation of the scope of the savings clause]: Does this mean ''federal preemption of state and local authority'' by this Act, referring to S. 2191 as reported? Answer: Yes.

5. Question: Does this bill in any way amend, change, or modify the other statutes relating to the authority of the Federal and State governments to adopt vehicle emissions standards? Answer: No.

Mr. BINGAMAN. Mr. President, I rise to talk about the cloture vote on the climate change legislation pending before the Senate.

Global warming is a problem that we must address and the sooner the better. We must meet it with a strong and mandatory regulatory system. Of all the possible options, a cap-and-trade system makes the most sense. Turning that concept into legislative language is not easy, and turning it into legislative language that can become law is far harder still.

The substitute amendment before us is the product of a lot of hard work and passion to do the right thing. I applaud that and thank the sponsors for their sincere efforts. There are many ideas in this amendment that I support, but, as the sponsors know, I also have many concerns about the substance of their proposal. I am sorry that we will not have a chance to debate the many complex and far-reaching issues they present.

I have been in the Senate for 25 years. I have learned, and firmly believe, that the only way to write legislation that stands a good chance of becoming law is to ensure that all sides have a legitimate opportunity to comment on and contribute to legislation as it is being written. I know very well from my own experience that in bills as complicated as this one, many Senators will have concerns that they would like to see resolved. It is the prerogative of the authors to include these issues or not. But it is important to assure all Senators that their concerns have been carefully and openly considered and that even if the sponsors don't share those concerns, the right of Senators to have them considered by the full Senate will be protected. Without these assurances, it is much harder to ask Senators to support the final product and work for its passage. I hope that when we return to this issue, we can use such a process to produce a bill that will be signed into law.

I am especially disappointed by the tactics we have seen in recent days from the other side of the aisle to slow this bill's progress and frustrate the amendment process. While Senators certainly have the right to use all 30 hours of postcloture debate time following cloture on the motion to proceed and to make the Senate clerks spend 9 hours reading the text of a long substitute amendment, it is hard to square those actions with any sense of real concern about this critical issue we should be working on.

We will be turning to the Defense bill later this month. I have a hard time imagining that the same tactics will be applied. That would be totally inconsistent with our responsibilities for national security. Similarly, the tactics of the past few days have been totally inconsistent with our responsibility to deal seriously with this important issue.

I have struggled with this cloture vote. A vote for cloture can be seen as a message vote that rejects the tactical maneuvering we have seen to prevent consideration of this bill. At the same time, if cloture is invoked it will mean that only a tightly prescribed set of amendments would be in order. I do not believe that the problems in the legislation before us can be adequately corrected under postcloture procedural constraints. Ultimately, though, we must send a message about how important this issue is and how it should not be hamstrung by obstructionist parliamentary tactics. That is why I voted for the cloture motion laid down by the majority leader.

Mr. PRYOR. Mr. President, the Climate Change Act of 2008 wisely recognizes that chemicals such as hydrofluorocarbons, HFCs, and hydrochlorofluorocarbons, HCFCs, are valuable commercial products that are used in refrigeration equipment, home and automobile air conditioners, aerosols, insulating foams, and other products and should be treated differently than other greenhouse gases. These important gases are essential to the energy efficient operation of many of the appliances and refrigeration equipment American consumers and businesses rely upon. Having a separate market for HFCs is designed to reduce emissions of these gases over time, while safeguarding the business model of the producers and users of these gases in energy efficient equipment and products.

The Montreal Protocol treaty has been widely praised as a model of international cooperation to phase out the production of many ozone depleting substances including Freon and other CFC-based gases. Accordingly, the industry substituted HFCs for these substances, but now these gases are thought to contribute to anthropogenic global warming. The Montreal Protocol currently calls for a complete phaseout of HCFCs by 2030, but does not place any restriction on HFCs.

The regulation of hydrofluorcarbon refrigerants represents a major component of the Climate Security Act of 2008, and will have a significant impact on jobs, taxpayers, businesses that manufacture and import these chemicals, and the millions of users of these chemicals in refrigeration and air conditioning equipment as well as other applications. The businesses in this industry sector have a commendable track record of protecting the environment, and are successfully making the transition from ozone-depleting refrigerants to HFCs. Now, as there is a call to phase down the production and consumption of HFCs to address global warming, we must recognize the need for a regulatory regime that reflects the industry's complex marketplace dynamics, cost to the economy, and ensures fair and equitable treatment for producers, importers, and end users.

It takes about 10 years for industry to develop a new class of refrigeration gases with the required thermodynamic properties, low flammability and toxicity, and reduced global warming potential than what is currently in use. At this time, there is no known commercially available replacement for HFCs. The gas providers and equipment manufacturers will have to invest a significant amount of time and money to develop these new, safe refrigeration gases and the compatible equipment that can use them.

I believe that we can come to a reasonable and balanced approach on this issue. The fact is that we need a realistic baseline. The baseline for 2012 should be set at an amount necessary to avoid a supply shortage, the cost of which will be borne by small businesses and consumers. One study suggests that 365 million metric tons is an appropriate baseline. Such a baseline will provide for a smoother transition in subsequent years, which also will result in less cost to small businesses and taxpayers without any adverse effect on the environment.

I encourage Congress, the EPA, the gas producers, and the end-use equipment manufacturers to work closely together to establish a more reasonable emission cap and timeline for the transition from HFCs to a cost-effective, low greenhouse gas potential, alternative substitute. Through cooperation, I am sure we can establish a program that will guarantee the future development of economically sound and environmentally friendly alternatives for these important chemicals.

Mr. FEINGOLD. Mr. President, it is disappointing that a minority of Senators has chosen to delay and stall rather than allowing us to consider the serious matter before the Senate—climate change. In order to have the opportunity to debate and vote on amendments, I support cloture on the Climate Security Act of 2008, S. 3036. The Climate Security Act is far from perfect, but it represents a serious effort to reduce greenhouse gas pollution, lessen our dependence on foreign oil, and spur new technologies and green job opportunities. By supporting cloture, we can begin to do the hard work of improving this legislation so that we can enact a workable, effective cap-and-trade program.

Mr. LEAHY. Mr. President, this week the Senate has undertaken the beginning of a historic debate on global warming. For the past week we have attempted to pass this important legislation that will reduce the carbon dioxide pollution that causes global warming, while using market incentives to create American jobs. Unfortunately it appears the other side of aisle has no interest in enacting this important global warming legislation. I am disappointed a minority in the Senate are blocking our efforts to move forward on this important bill.

The time for debate about the existence of global warming has ended. We are staring down the barrel of global crisis if we do not aggressively address this problem now, and not 5 years from now or when the oil companies decide the time is right.

The most recent assessment of global climate change published by the Intergovernmental Panel on Climate Change, IPCC, in November found that the Earth's climate indisputably has warmed over the past century. Most of this increase is very likely due to the increase in greenhouse gas concentrations created by humans—primarily from the use of fossil fuels. As we look around us every day and see all of the exhaust gases emanating from factories, buildings, and vehicles, it only

stands to reason that human activity now, and for much of the last century, increasingly has become a factor in the quality of the air we breathe and in the natural processes of our environment.

The U.S. Climate Change Science Program, CCSP, recently released the first of several climate change reports, and their assessment was stark. They report that even under the most optimistic carbon dioxide emission scenarios, we can expect a host of profound impacts that range from changes in sea level and regional and super-regional temperature hikes, to increased incidence of disturbances such as forest fires, insect outbreaks, severe storms, and drought.

If we do not take aggressive action now to curb emissions, our environmental and economic future is bleak. Even as we speak, our world is experiencing alarming and detrimental changes from manmade greenhouse gases. The Arctic Sea ice melted in 2007 to the smallest coverage since satellite measurements began in 1979—perhaps 50 percent below sea ice levels of the 1950s. The U.S. National Snow and Ice Data Center at the University of Colorado projects that the Arctic Ocean could be ice-free in summer as early as 2030.

As if to highlight the urgency, while the EPA was recently delaying a decision over whether to add polar bears to the threatened species list due to a decrease in their habitat, more than 160 square miles of arctic ice collapsed away from the Wilkins Ice Shelf. If we needed any clearer signal that now is the time to address this problem, the partial collapse of an arctic shelf formed more than 1500 years ago should leave no doubt.

How do we responsibly and aggressively address this problem? According to the Bush administration, we should talk about curbing global climate change on the one hand, while quietly eroding the safety net that had been designed to better protect our environment with the other.

We need only to look at the recent unprecedented intervention by this administration in the EPA's decision to override the institutional advice of the EPA's own experts—not to mention the Clean Air Act—and stop California, Vermont, and 15 other States from setting their own tailpipe emission standards. Even the release of CCSP research on climate change last week had to be mandated by court order—and during the course of this research, scientists left the CCSP alleging the administration was rewriting the science for political purposes.

Add to all of this the auctioning of environmentally sensitive public lands for oil development, the weakening of air quality regulations for corporate polluters, and the billions of dollars of handouts in the form of subsidies to oil companies at the expense of renewable energy, and it adds up to 8 years of an administration that cares more about corporate profits than the public's health and our environment's protection.

This legislation is not a perfect solution, but its goals are positive and its solutions are constructive. The annual reductions in emissions, funding for renewable energy technologies, and a cap-and-trade system designed to reward companies that invest in cleaner energy are innovative solutions to a problem that won't just go away on its own.

Failure to address global warming is a failure to address weather catastrophes that can destroy entire Nations, a failure to address the loss of species that will never return, and a failure to pass along to future generations—our children, our grandchildren, and beyond—the kind of world we want for them.

Mr. DORGAN. Mr. President, the consensus among scientists, whose expertise I respect, is that there's something happening to the climate of this planet that we need to be concerned about. As a result, I believe that the Congress needs to enact climate change legislation to address global warming It is one of the significant challenges of our time. Addressing the issue of climate change will require a national commitment of all the resources that are available to us to change course and protect our planet.

I voted no on the motion to invoke cloture today, but this should not be seen as a statement of my opposition to enact mandatory, climate change legislation in the future. The specific proposal that has been brought to the floor of the U.S. Congress by Senators BOXER, LIEBERMAN, WARNER, KERRY, and others is a legitimate and thoughtful piece of legislation.

The Senate has voted on climate change legislation in 2003, 2005, and now in 2008. In all three cases, many Members have expressed their opposition to any mandatory legislation. Yet, during this 5-year period, there has been a significant shift in public awareness, the certainty of the science, and the demand for legislative action. I hope that industry in this country will understand what we are required to do and start preparing for it.

When there is a new President and a new Congress in 2009, I predict that there will be another debate, and there will be passage of landmark U.S. climate change legislation. Major pieces of landmark legislation such as the Clean Air Act, the Clean Water Act, Superfund, and others took several Congresses to be refined and enacted. I believe that time for climate change legislation will be in the 111th Congress.

In order for our country to dramatically shift our energy use to a lower greenhouse gas emitting blend, a strong commitment from all sectors of the economy is needed. We need a ''moon shot'' approach to increasing energy efficiency and conservation, renewable energy production and technologies that allow us to capture and sequester carbon emissions from fossil fuel energy generation.

I am a big fan of renewable energy, including wind, solar and geothermal energy as well as biofuels. In order for these energy sources to become a larger portion of the energy used in this country, however, we need to demonstrate a robust commitment to funding research and development to increase the efficiency of renewable energy and drive the costs down so they are competitive with fossil energy sources. Until they are cost-competitive, we need to provide long-term incentives that signal certainty to potential investors. Even as we strongly support our renewable energy research, development and deployment, we also need to understand that in order to meet our energy needs we will need to continue to use fossil fuels—but use them in a different way.

For example, we use coal to produce about 50 percent of the electricity we now use in this country. Coal is going to continue to be a significant part of our energy future, so that means we must make a major research push to find ways to the capture the carbon and sequester the carbon.

The climate change bill that is now on the floor includes what is called ''kick start'' funding and ''bonus'' funding that its authors say addresses the needs of the industry to get carbon capture and storage. However, the bill does not provide any funding for the substantial research and development that will be necessary to find ways to capture the carbon and safely sequester it.

Similarly, advancing renewable energy will require substantial funding, of which there is not enough in the underlying bill. There is money in the underlying bill for demonstration and commercialization of technologies, both in the renewable area and carbon capture and storage. But there is not the kind of funding that will be necessary to fund the research and development at the front end of the process for both carbon capture and renewables.

I prepared and filed amendments to address those two deficiencies. Together, my amendments would add $30 billion in the first 12 years to carbon capture and storage and renewable energy. The amendments provide a full commitment by our country to fund the necessary research and provide the opportunity to succeed in both areas on the front end. We will not succeed in our quest to address global warming unless we invest in these areas of research. The product of research for the environmentally safe use of coal and the expanded use of renewables is what will allow us to meet the targets in the global warming bill.

Today, however, we find a tangled procedure in the United States Senate by which we are asked to vote to shut off debate and vote cloture on the Boxer substitute. This means that my amendment and others designed to improve the bill will not be allowed to

even be offered. That is because the minority blocked the process when the bill came to the floor, so no amendments have been allowed to be offered. Therefore, none are pending, and post cloture, only pending amendments can be voted upon.

In short, voting for cloture means I would be voting to deny myself the opportunity to offer the important amendments I have just described. I am not prepared to do that. I am prepared to seriously address global warming. I will count myself as someone who is going to vote to advance appropriate legislation to address global warming. But I am not going to vote this morning to prevent myself from offering the amendments that I think are necessary to make this legislation work.

Let me state again, I think my colleagues that have brought the Warner-Lieberman-Boxer bill to the floor today have done some good work, and I am appreciative of their effort. The bill in its current state is not ready to become the law of the land. We need to have a serious debate about this legislation, amendments need to be considered, the bill needs to be modified in significant ways before it should be passed by this Congress.

Let me repeat, a piece of legislation that will have some of the most significant consequences for the environment, for the economy, and for a way of life than anything we have done in many decades in this Congress has been brought to the floor and will now be subject to a cloture vote without any opportunity to offer an amendment. That is not a process that I can support.

Mrs. FEINSTEIN. Mr. President, I rise to speak in support of amendment No. 4950, which I have offered to the Climate Security Act, S. 3036, along with Senators SNOWE, WYDEN, and CANTWELL.

This amendment is intended to improve section 412, the market oversight and enforcement provisions. I helped author section 412 of the Climate Security Act with Senator DODD and Senator WHITEHOUSE, and I believe this amendment will improve the underlying provision by even more clearly prohibiting speculation, fraud, and false reporting by traders in carbon markets.

Specifically, this amendment would add a ''prohibitions'' subsection to section 412, to establish that it is illegal:

No. 1, to knowingly provide to the President, or his designee, any false information relating to the price or quantity of emission allowances sold, purchased, transferred, banked, or borrowed by the individual or entity, with the intent to fraudulently affect the data being compiled;

No. 2, to use in connection with the purchase or sale of an emission allowance any manipulative or deceptive device or contrivance—within the meaning of section 10(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78j(b))—or;

No. 3, to otherwise cheat or defraud another market participant.

Including these prohibitions, which were part of the Emission Allowance Market Transparency Act that I introduced with Senator SNOWE, clearly establishes the legal framework under which market manipulation in these markets will be pursued. But unlike our legislation, the amendment does not instruct the Environmental Protection Agency to enforce these prohibitions. Instead, the amendment instructs the President to decide which agency must conduct enforcement within 270 days of enactment.

I believe this amendment is necessary because it will establish that the full legal history of the Securities Exchange Act's antimanipulation provision forms the foundation upon which the carbon market's principles-based regulation must stand. It gives guidance to future regulators on the intent and meaning of the core principle that ''the market shall be designed to prevent fraud and manipulation.'' And it adds teeth to that principle by making manipulation and fraud in this market a defined crime subject to severe penalty.

With this amendment, authority to prevent fraud and manipulation in carbon markets will mirror the authority over natural gas and electricity markets that Congress granted to the Federal Energy Regulatory Commission in 2005, as well as the authority over crude oil that Congress granted to the Federal Trade Commission in 2007. By mirroring proven market oversight mechanisms that protect market participants and consumers, this amendment allows us to slip already broken-in regulatory concepts onto a new market.

I believe this amendment will strongly discourage traders from seeking to manipulate the market. If we don't set up a framework for oversight, the greenhouse gas market could turn into a Wild West. The market—estimated to be worth as much as $100 billion annually—would invite the worst kind of manipulation, fraud, and abuse. The resulting volatility would affect consumer energy costs.

This is not a hypothetical. In 2000 and 2001, newly created California energy markets lacked the basic protections in this bill. The electricity and related natural gas markets emerged before the law caught up, and much of the manipulation that resulted, shockingly, was legal.

Enron, for instance, ran a market where only they knew the prices. Without market transparency laws, this one-sided market was legal. Enron manipulated natural gas and electricity prices—but nothing in the Natural Gas Act or the Federal Power Act made this manipulation unlawful.

Only years later, after millions of consumers had been harmed, after billions of dollars had been lost, and after the entire West had endured an energy crisis largely fabricated by traders, did Congress act.

In 2005, Congress succeeded in prohibiting manipulation in natural gas and electricity markets. The Federal Energy Regulatory Commission has put this authority to good use. It has performed aggressive natural gas market oversight, and has brought its first manipulation case, against Amaranth—a notorious hedge fund that allegedly manipulated natural gas prices month after month.

This Nation needs to reduce greenhouse gas emissions, and most economists agree that a cap-and-trade system with a greenhouse gas market would be the most cost efficient way to guarantee emissions reductions.

Economists also tell us that markets are most efficient when buyers and sellers have complete information, no market participant can cheat another, and prices result from supply and demand, not manipulation.

Bottom line: this amendment improves a provision designed to protect the integrity of greenhouse gas emissions markets, and it should be included as part of any cap-and-trade legislation approved by Congress.

FURTHER CHANGES TO S. CON. RES. 21

Mr. CONRAD. Mr. President, pursuant to section 308(a) of S. Con. Res. 21, the 2008 budget resolution, I previously filed revisions to S. Con. Res. 21, the 2008 budget resolution. Those revisions were made for Senate amendment 4825, a complete substitute for S. 3036, the Lieberman-Warner Climate Security Act of 2008.

The Senate did not adopt Senate amendment 4825. As a consequence, I am further revising the 2008 budget resolution and reversing the adjustments made pursuant to section 308(a) to the aggregates and the allocation provided to the Senate Environment and Public Works Committee for Senate amendment 4825.

Mr. President, this will be the final revision to the 2008 budget resolution. This week, Congress passed S. Con. Res. 70, the 2009 budget resolution. The 2009 budget resolution now replaces the 2008 budget resolution for purposes of budget enforcement in the Senate.

I ask unanimous consent to have the following revisions to S. Con. Res. 21 printed in the RECORD.

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

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2008—S. CON. RES. 21; FURTHER REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 308(a) DEFICIT-NEUTRAL RESERVE FUND FOR ENERGY LEGISLATION

[In billions of dollars]

Section 101	
(1)(A) Federal Revenues:	
FY 2007	1,900.340
FY 2008	2,016.793
FY 2009	2,114.754
FY 2010	2,170.343
FY 2011	2,351.046
FY 2012	2,493.878
(1)(B) Change in Federal Revenues:	
FY 2007	−4.366
FY 2008	−34.003
FY 2009	7.826

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2008—S. CON. RES. 21; FURTHER REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 308(a) DEFICIT-NEUTRAL RESERVE FUND FOR ENERGY LEGISLATION—Continued

[In billions of dollars]

FY 2010	6.622
FY 2011	−43.504
FY 2012	−103.218
(2) New Budget Authority:	
FY 2007	2,371.470
FY 2008	2,501.726
FY 2009	2,520.890
FY 2010	2,573.040
FY 2011	2,688.764
FY 2012	2,720.897
(3) Budget Outlays:	
FY 2007	2,294.862
FY 2008	2,473.063
FY 2009	2,569.024
FY 2010	2,601.423
FY 2011	2,695.166
FY 2012	2,702.695

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2008—S. CON. RES. 21; FURTHER REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 308(a) DEFICIT-NEUTRAL RESERVE FUND FOR ENERGY LEGISLATION

[In millions of dollars]

Current Allocation to Senate Environment and Public Works Committee:	
FY 2007 Budget Authority	42,426
FY 2007 Outlays	1,687
FY 2008 Budget Authority	43,535
FY 2008 Outlays	1,753
FY 2008–2012 Budget Authority	316,183
FY 2008–2012 Outlays	124,070
Adjustments:	
FY 2007 Budget Authority	0
FY 2007 Outlays	0
FY 2008 Budget Authority	0
FY 2008 Outlays	0
FY 2008–2012 Budget Authority	−134,696
FY 2008–2012 Outlays	−114,402
Revised Allocation to Senate Environment and Public Works Committee:	
FY 2007 Budget Authority	42,426
FY 2007 Outlays	1,687
FY 2008 Budget Authority	43,535
FY 2008 Outlays	1,753
FY 2008–2012 Budget Authority	181,487
FY 2008–2012 Outlays	9,668

Ms. CANTWELL. Mr. President, I rise today to share my views on the preeminent environmental challenge facing our generation—climate change. I believe we must urgently address this looming issue—in partnership with the rest of the world—and I commend the bill's authors for finally getting this dialogue started after years of White House and congressional inaction.

Scientists have determined conclusively that an ongoing buildup of greenhouse gas emissions is causing the Earth's climate to warm and will likely lead to drought, flooding, and other catastrophic natural disasters.

The most recent United Nations Intergovernmental Panel on Climate Change report found that about 1 billion people will be affected by water shortages because of declining snow cover on land currently used by one-sixth of the world's population.

The report also predicts global warming will parch large swaths of the Earth, threatening the existence of up to 30 percent of its animals and plants.

Global warming's impact on the Pacific Northwest could be particularly harmful because our temperatures are rising faster than the global average. In Washington, climate change is expected to alter the region's historic water cycle, threatening drinking water supplies, wildlife and salmon habitat, and the availability of emissions-free hydropower. We are also already seeing the ominous beginning of ocean acidification off our coastline.

According to a University of Washington analysis, temperatures in the Puget Sound region will rise about 2 degrees by 2050. Cascade mountain temperatures could rise 10 degrees or more, causing snowpacks to be reduced to just 20 percent of their current levels by 2090.

In the eastern half of my State, temperatures are expected to rise even faster. By 2050, parts of the Columbia Basin could be up to 5 degrees hotter. In 2090, much of the basin will be up to 8 degrees warmer, very harmful to eastern Washington agriculture.

There has been a great deal of discussion of what the accumulation of greenhouse gases such as carbon dioxide is doing to change the Earth's atmosphere. I am very concerned about that. But today I would like to help my colleagues appreciate carbon dioxide is also slowly, silently, but surely devastating our oceans and the marine life that depend on them.

I would like to share with you the silent devastation of ocean acidification.

Since the start of the Industrial Revolution 130 years ago, humans have released more than 1.5 trillion tons of carbon dioxide into the atmosphere, increasing the global atmospheric carbon dioxide concentration by 35 percent. But while carbon dioxide is accumulating in our atmosphere, it is also being rapidly absorbed by our oceans. At least one-third of our carbon dioxide emissions end up in the oceans—more than half a trillion tons since the start of the Industrial Revolution.

For decades, we assumed that the oceans absorbed these greenhouse gases to the benefit of our atmosphere, with no side-effect for the seas.

Science now shows that we were wrong. Today, ocean acidification is actually changing the very chemistry of the oceans. As carbon dioxide is absorbed, seawater becomes more acidic and begins to withhold the basic chemical building blocks needed by many marine organisms.

According to National Ocean and Atmospheric Administration scientists, humans have increased the oceans' acidity by 30 percent since the start of the Industrial Revolution. In such acidic waters, coral reefs—the rainforests of the sea—cannot build their skeletons. In colder waters like the waters of Washington State, scientists predict a more acidic ocean could dissolve the shells of the tiny organisms that make up the base of the ocean's food chain.

A recent article in last month's journal *Science* detailed how acidic seawater is already moving closer to shallow waters off of Washington State, the habitat for most of my State's marine life.

These frightening findings were a surprise to researchers who didn't expect finding acidic water for several more decades. Because ocean acidification has the capacity to lead to a total collapse of ocean food chains, it will have major impacts on coastal communities that rely on the ocean's bounty.

And when we add ocean acidification to the effects of carbon dioxide coming from a warming atmosphere—increasing ocean temperatures, changing winds and currents, and rising sea levels, it is clear that our carbon emissions will impact our ocean environments in ways far too devastating to ignore.

Not many people think of orca whales, salmon, coral reefs, or oysters when they drive their cars to work each day, but as ocean acidification begins to take its toll, there is definitely a connection between the carbon emissions we emit and the ocean environments we enjoy and depend on.

Last week, I held a Commerce Committee field hearing in Seattle to examine how climate change and ocean acidification are impacting the marine environments of my State. What I heard from my constituents was nothing short of frightening.

Brett Bishop, a fifth-generation shellfish farmer in Mason County, WA, told me how his business is being devastated by the impacts of climate change and ocean acidification. His story can be summed up by two words he said to me: ''I'm scared.''

Climate change is killing his business, and threatens to destroy everything his family has worked for over the past 150 years. If things continue on their current path and Mr. Bishop can't grow his shellfish, then the bank will foreclose on the mortgage, his 27 employees will be left jobless, and his family will lose their farm, their homes, and generations of hard work.

This is not some obscure scientific theory pieced together by academic scientists. This is real, and it is happening now. Today it is shellfish farmers in Mason County, WA. but who will fall victim tomorrow? Commercial fishermen? Coastal tourism from dead coral reefs? Recreational fisheries?

These are frightening possibilities—but very real ones that our Nation will face in the coming years. And unfortunately, if we don't act, Brett Bishop will be one of the millions of Americans with similar stories. And, unfortunately, these dangers are largely under the radar because they occur beneath the surface of the ocean.

That is why one of the amendments to the Climate Security Act I am pleased to be part of includes a bill I introduced with Senator LAUTENBERG of New Jersey called the Federal Ocean Acidification Research and Monitoring Act. Our bill, which passed the Senate Commerce Committee unanimously last December, would establish a much-needed Federal research program on ocean acidification.

This amendment also incorporates my Climate Change Adaptation Act

which was also approved unanimously by the Senate Commerce Committee. This important legislation ensures that our Government plans for the changes that global warming will inevitably bring. Because the reality is that even if we were somehow able to stop using fossil fuels today, a certain degree of warming and ocean acidification will still occur over the next two or three decades. Planning for the future isn't just common sense—it is responsible Government.

That brings me back to the Climate Security Act the Senate is debating today. This is the first comprehensive effort to legislate on climate change that has come through the committee process. It is a historic feat, and in many ways it reflects the complexity of this issue and the varied views and stakeholder interests that accompany any effort to cap and trade climate change emissions.

I commend Senators BOXER, LIEBERMAN, and WARNER for their leadership in beginning this process and starting us on the path we know we must take soon. As Sun Tzu said in the ''Art of War,'' ''the journey of a thousand miles begins with a single step.''

Unfortunately, it looks like our debate may end up being largely confined to floor statements because opponents of the bill will succeed in blocking the consideration of any amendments. The minority even forced our hard-working Senate clerks to read the entire text of the bill, word for word, for almost 9 hours on Wednesday. Unfortunately, that is about as fitting an example of how opponents want to stall, delay, and preserve the status quo as one can imagine.

While I do believe we must act urgently and decisively to control our Nation's and planet's greenhouse gas emissions, I do have a number of concerns about the pending legislation.

Ironically, many of my concerns stem from the fact that Washington State is blessed with abundant, affordable, and emissions-free hydropower. Unfortunately, this bill fails to recognize that Washington State has significantly lower carbon dioxide emissions than other parts of the country and how that dynamic poses unique energy challenges going forward.

Some of these challenges are that Washington's hydropower system is largely tapped out, so any future electricity generation will largely come from relatively more polluting sources for which we will not receive any emission allocations under the pending legislation. Similarly, the bill does not provide Washington with any allocations we will need to provide electricity to the 1.5 million people moving to the Puget Sound region by 2020, unlike other parts of the country that rely primarily on fossil fuel generation.

As currently drafted, the bill also effectively penalizes the Pacific Northwest for its years of aggressive energy efficiency measures, which have avoided the construction of 3,400 megawatts of additional capacity. In other words, if we would have built fossil fuel plants instead of conserving, we would be getting emission allocations for it today. In addition, since we have already taken advantage of many of the low-hanging efficiency ''fruit,'' additional efficiency savings would be relatively more costly than in other parts of the country.

I also believe the legislation needs to more carefully consider how Federal climate legislation might preempt or overturn the groundbreaking efforts in Washington State, such as the Western Climate Initiative.

As a scarred veteran of the Western energy crisis, I also have strong concerns that there are not enough safeguards in the bill to prevent excessive speculation and manipulation of emission allocation trading markets. Even today we see what happens when there is not enough transparency and clear rules of conduct in energy markets. Excessive speculation and possibly market manipulation artificially elevate prices and hurt consumers.

And finally, we need to make sure that anything we do is actually going to do the job. Unfortunately, I understand that the emission-reduction caps proposed by this legislation are actually not strong enough to slow or stop global warming according to the latest science.

While I am disappointed that there probably won't be an opportunity to improve the historic legislation before us today, I am proud that after Congress came under new management last year we were able to craft and pass the greenest, most important energy bill in our Nation's history.

The Energy Independence and Security Act, which became law last December, will create cleaner, more diverse sources of energy supply, build new growth industries that support high-wage ''green-collar'' jobs, give consumers and businesses more affordable energy choices, and protect our environment. For instance, this landmark energy legislation aggressively boosts energy efficiency efforts by making our lighting and appliances more efficient and reducing the Federal Government's energy use.

Under the new law, fuel economy standards will increase for the first time in over two decades to a nationwide average of 35 miles per gallon, up from 25 miles per gallon today, by 2020 for all vehicles, including SUV's and light trucks. By 2030, these measures will displace the equivalent of one-third of our foreign oil needs and save American consumers at least half a trillion dollars in energy costs.

And the new energy law includes mandates and incentives that biofuels from nonfood feedstocks such as agriculture and wood waste become a much more significant part of our Nation's effort to end our dependence on fossil fuels and imported oil.

All together, these measures and others will reduce our Nation's carbon dioxide emissions by the same amount as all of our vehicles on the road produce today.

I think it is important to note that while tackling climate change will not be easy or free, moving to a clean energy system, which is a prerequisite to any serious effort to reduced greenhouse gases, has many benefits beyond reducing greenhouse gases and the costs of inaction will be far more significant.

According to a study by the Natural Resources Defense Council and Tufts University, if the United States doesn't do something soon to dramatically reduce greenhouse gas emissions, it could cost the country $3.8 trillion annually from higher energy and water costs, real estate losses from hurricanes, rising sea levels, and other problems.

According to the Apollo Alliance, a labor-environmental partnership, investing $30 billion per year over 10 years would create 3.3 million jobs and boost the Nation's GDP by $1.4 trillion. The Apollo Alliance estimates that dollars invested in clean energy create more jobs than those invested in traditional energy sources because renewable energy is more labor intensive. It is possible for a Nation to grow while being environmentally conscious. For example, the British economy grew by about 40 percent since 1990 while their greenhouse gas emissions decreased by 14 percent.

The science is undeniable that human activities are changing the world we know and love and depend on for our well being. We are already seeing the effects on our oceans, our forests, our crops, and our wildlife—and unless we act, I am afraid the worst is yet to come.

We will only succeed in combating climate change if we work together, across the aisle here in Congress, across our States with their very different greenhouse gas profiles, and across the world. By working together we can find a path forward to solve this greatest of challenges. And if we do it right, the solutions we create will also help address other pressing needs such as providing more clean and renewable energy sources, high-wage manufacturing jobs, and new export markets.

Our Nation and the world is waiting for us to take action—and the lead in preventing and mitigating the catastrophic effects of global climate change. Our children and their children and all of the world's citizens' future depends on it. I look forward to continuing this dialog with my friends on both sides of the aisle.

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

Mr. CHAMBLISS. Mr. President, I ask unanimous consent to speak as in morning business for up to 5 minutes.

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

Mr. REID. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each, and that Senator CHAMBLISS be the first to be recognized.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. LIEBERMAN. Mr. President, reserving the right to object, but I will not object, I ask to have printed in the RECORD a statement by Senator MCCAIN. If he were here, he would have voted for cloture.

• Mr. MCCAIN. Mr. President, today, Senator JOHN MCCAIN released the following statement on S. 3036, the Lieberman-Warner Climate Security Act of 2008:

Global climate change is the most important environmental challenge facing not only our nation, but the entire world. I am confident that given the will, the federal government can be a lead advocate for ensuring that America is doing its part to reduce global warming, and join in the global effort that is needed to address this world-wide environmental issue.

Like many of my colleagues, I believe this legislation needs to be debated, amended, improved, and ultimately, enacted. While my schedule precludes me from being in Washington, DC, tomorrow to cast my vote, if I were able, I would vote to invoke cloture on the substitute amendment. That does not mean I believe the pending bill is perfect, and in fact, it is far from it. For example, the provisions to impose Davis Bacon mandates should be removed. Most importantly, it must include provisions championed by Senator Graham and myself that would ensure that nuclear power, a proven and clean energy source, is included among the technologies supported in our efforts to address global warming. Nuclear energy is an emission-free source of electricity for the nation, which is why it simply must be part of the comprehensive solution to addressing climate change, and if it is not, I could not support the legislation's final passage.

Unfortunately, despite the commitment and tireless efforts of the bill sponsors, Senators LIEBERMAN and WARNER, it appears that for now, the Senate, at the direction of the Majority Leader, will choose to put politics above policy, and Congress will fail to act yet again on this critical issue. But rest assured, we will not give up until we finally succeed in enacting needed, comprehensive cap and trade legislation to address this urgent problem.•

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. BOXER. Mr. President, I thank our colleagues. I wish to say, in addition to the names Senator WARNER put in yesterday, we had statements from Senators OBAMA, CLINTON, BIDEN, and KENNEDY, which means if all had been here, the vote would have been 54 votes. We are very pleased with this and we thank them very much.

The ACTING PRESIDENT pro tempore. The Senator from Georgia.

64th ANNIVERSARY OF D-DAY

Mr. CHAMBLISS. Mr. President, I rise today, June 6, 2008, the 64th anniversary of D-day, to commend our Armed Forces for their ongoing contributions in Iraq, Afghanistan, and other countries where they are currently deployed, as well as their history of service and sacrifice for our country and for the causes of freedom and democracy worldwide.

Yesterday, I had the privilege of attending the Board of Visitors meeting for the Western Hemisphere Institute for Security Cooperation, which is located at Fort Benning, GA. WHINSEC, as it is called, provides security cooperation and strategic partnerships with countries in the Western Hemisphere in order to support democracy and human rights, and they have made a tremendous contribution since WHINSEC's inception in 2000.

The chairman of the Board of Visitors of WHINSEC, who is a Roman Catholic bishop, commented that members of the military are ''agents of mercy.'' He is correct, and ultimately that is the role our military has played in the world in the 64 years since U.S. and Allied forces landed on the beaches of Normandy.

No one joins the military to get rich and famous, since the life of military personnel almost always takes place behind the scenes and out of the headlines. Many people join the military to achieve a better way of life and associate with a bigger cause than themselves. The military has provided a way for countless numbers of Americans to improve their own quality of life and learn the skills they need to succeed. We should be proud of the positive effect the military has on those who serve in its ranks.

But there is one thing everyone who serves in the military has in common, they join to serve. They join, realizing their service makes the lives of their fellow Americans better and more secure. But also, they know their service makes the lives in other countries safer and more prosperous.

Without question, that is the result of the service of our military personnel over the last 64 years in places such as Germany, France, Bosnia, Kosovo, Korea, Afghanistan, Iraq, Grenada, Panama, Haiti, Vietnam, and countless other locations where U.S. military personnel have served and sacrificed. These countries are more prosperous today because of the commitment of our Nation's military personnel.

No military, and no institution for that matter, is perfect. However, we should not be surprised that year after year the United States Military remains one of the most trusted professions. They deserve that position based on their commitment to a cause greater than themselves, their integrity, and their commitment to excellence. Today, there are 1.4 million personnel serving on Active Duty in our Nation's military, along with 1.2 million serving in the Reserve components. All of them deserve our appreciation and gratitude for their service, their sacrifice, and their contribution to our Nation's security and contributions to freedom and democracy around the world.

I ask my colleagues to join me in expressing thanks for them and for the key role they have played and continue to play in serving and sacrificing for our country and for those in other countries where they are serving.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Ohio.

CLIMATE CHANGE LEGISLATION

Mr. BROWN. Mr. President, I rise to address an environmental issue, an economic issue, and a moral issue. Future generations will look back on global warming as the defining issue of our time. Our children, their children, and their children will look back on this issue and judge us on how we confronted it.

If we treat global warming politically, as so many of the other side of the aisle did today, if we abdicate our responsibility, if we ignore reality, if we twiddle our thumbs as the destructive effects of global warming intensify, we will lose our chance to shape the future because, simply put, we will be squandering it.

I applaud Senator BOXER, the chairwoman of the Environment and Public Works Committee, a tireless advocate for clean air, safe drinking water, and healthy families.

This was not an easy vote. This entire week I have listened to the speeches on the Senate floor, and I have listened to my colleagues speak eloquently on the need for global climate change legislation. I fully agree with the environmental goals of this bill—mandatory caps, the science-based timeline. This, as I said, is the moral question of our generation. I have the utmost respect for my colleagues who have worked so long and so hard to craft this historic legislation and for environmental advocates in Ohio and across the country. I am 100 percent committed to passing a robust, mandatory cap-and-trade policy. However, while we have been debating climate policy, Ohioans have been getting bad news.

This has been a particularly tough week for my State. In the last 7 days, Ohioans learned that our State may soon lose another 10,000 jobs. Those are not just jobs. They are the building blocks, the foundation for individual achievement, family security, and community survivability. They are about health care, they are about opportunity, they are about sending kids to college, they are about admission to the middle class.

Now that foundation is crumbling—10,000 good-paying jobs in 1 week. Since 2001, Ohio has lost more than 200,000 manufacturing jobs.

We have, to be sure, a moral obligation to our planet. For me, that obligation stems from Scripture which makes each of us a steward of our planet, of this Earth. We also have an opportunity and obligation to Ohioans and

to all Americans. We have the opportunity and the obligation to write global warming policy that is sustainable, equitable, beneficial, both domestically and globally, both environmentally and economically. We can do that. We can write a bill to do that. We can write a law to do that or we can settle for a work that I believe is still in progress.

I cannot settle and could not settle a moment ago in my vote for this legislation because it needlessly may hurt my State because it fails to protect against what could be a policy that exports emissions rather than eliminating emissions.

I submitted five amendments to this bill that were designed to produce a final bill that would combat global warming without undermining American families, without hurting families from Galion to Gallipolis, from Cincinnati to Ashtabula. Unfortunately, after today's cloture vote, there was no opportunity to debate and vote on those amendments. Given the chance, I would have fought to redistribute the financial burden imposed by this bill so Ohio would receive a fair share, rather than the short end of the stick.

I would have fought to provide sufficient transition assistance for energy-intensive manufacturing so our Nation does not lose those crucial national-security oriented, in many cases, crucial jobs. I would have fought to ensure domestic manufacturers a level playing field with companies from countries without global warming requirements.

A plant shuts down in Steubenville or Lima, OH, a plant that has followed Ohio and national environmental law over the years, and moves to China. We lose our jobs, and emissions get even greater because the Chinese do not have the environmental laws we do. That is part of the problem with U.S. trade policy. That is another time for another speech and another day. But if we don't take this right step to ensure domestic manufacturers a level playing field with companies from countries without global warming requirements, we might as well throw a going-away party for the steel industry, the cement industry, the glass industry, aluminum industry, the chemical industry, for foundry after foundry after foundry in Ravenna, Chillicothe, Mansfield, and Marion. We might as well pray for a miracle when it comes to global warming because as we export those jobs to countries that have weak environmental laws, we will be exporting emissions so they come in quantities of twice as much from smokestacks in China than they come from smokestacks in Ohio.

I would have fought for greater capital investment in emerging green businesses and manufacturing. We need to go green to achieve our goals. We need to rebuild our manufacturing sector to remain a self-sufficient nation and the strongest economy on the planet.

We can pass legislation that can be a jobs legislation, energy legislation, environmental legislation if we do the right thing and encourage our companies and our investors to build solar panels and solar cells, to build fuel cells, to build wind turbines, to move forward on all the kinds of biomass energy production that we know how to do in this country.

Why wouldn't we invest in the research, infrastructure, job training, and the commercialization needed to secure our independence from foreign oil, to fight global warming, to revitalize our economy? Mr. President, why wouldn't we?

I would have fought for resources to help coal communities diversify their economies. If we ignore these communities, we breed poverty. Go with me to southeast Ohio and look at the number of people who are lining up in food pantries, lining up for food to get through the week, to get through the month, to get through the winter and now the spring, as most people in those families hold jobs, often full time, often part time. They don't pay enough because of what has happened to coal miners and what has happened to industry in southeast Ohio.

We, in moral terms and practical terms, cannot let that happen. If we ignore these communities, as I said, we breed more poverty. That is not a prediction, that is a fact.

I was not given the opportunity to offer my amendments. I will have the opportunity to push for legislation that capitalizes on our Nation's strengths, that leaves a legacy of which we can be proud for future generations.

We can do it, we must do it, and with Senator BOXER's leadership, we will do it.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

64TH ANNIVERSARY OF D-DAY

Mr. CASEY. Mr. President, I rise for two purposes. One is to speak for a couple minutes about today's anniversary of D-day and then also to talk about a Pennsylvanian who lost his life in Iraq and was this week awarded the Congressional Medal of Honor. I, first, wish to speak about D-day.

We observe this anniversary today, 64 years, but we have to think today about how we do that. We know what happened on D-day. For so many Americans, prior to just a number of years ago, it was a piece of history we read about in the history books. We learned a bit about it in school, but for a new generation of Americans, D-day has meant what we saw in the movie ''Saving Private Ryan.'' Thank goodness for that film because it captured so much of the horror, so much of the sacrifice and the valor of our troops.

So we remember those Americans who gave their lives that day to save the world—literally to save the world from the horror that could have befallen the world if the axis powers were successful, and if D-day did not go as well as it did, they might have been successful.

I am remembering today not just a generation of Americans, the ''greatest generation'' of Americans as we know them now, who sacrificed so much, but I am thinking of people from my home State. I think Pennsylvania had more Medal of Honor winners in World War II than any other State. One of them was in my home area, Lackawanna County, Geno Merli, who served in Europe, in that theater of the war, and was awarded the Congressional Medal of Honor and passed away a couple of years ago. So when I think of D-day, and I think of those sacrifices, I am thinking of heroes such as Geno Merli and so many others who gave the ultimate sacrifice. His Medal of Honor pertained to his combat not on D-day but in a related theater of war.

We think about those who came back. We think about those who served and came back, many of them wounded permanently and irreparably, just as we see today with some of our troops in Iraq, and it brings to mind Abraham Lincoln's words in two contexts. One is the context of those who have served. He talked about the soldier—him who has borne the battle—that we must care for him who has borne the battle. And I think one way to honor those who have served in Iraq or Afghanistan or around the world or in wars like World War II is to remember something my father said years ago when he was serving as Governor of Pennsylvania, and he talked about praying for our troops, as important as that is, but he also talked about praying for ourselves; that we may be worthy of their valor.

I believe the only way we can be worthy of the valor of those who served in World War II on D-day or served in Iraq or Afghanistan or anywhere around the world—in Vietnam, in the Korean War, whatever the conflict was—we can't just honor them by remembering and commemorating and talking about battles and all of the information that we can impart about war. We have to, if we are going to be worthy of their valor, do the right thing today, not just when we commemorate D-day but every day.

There are at least two things we can do to pay tribute to those who served and to be worthy of their valor. One way is to make sure those who survive a war and come back to the United States have not just some health care but the best health care. And we have to fund it. Fortunately, in the last two budgets we have been doing that. We have been meeting or exceeding the budget on veterans health care.

The second thing we must do, at the very least, is make sure anyone who serves in combat has an opportunity to be educated as best we can provide. That is why the vote on the GI bill recently was so essential, so central to meeting that basic obligation, so caring, as Abraham Lincoln said, for

him—and increasingly her—who has borne the battle, and making sure they have an education.

Today, when we remember the service of those who gave their lives, and in some cases gave sacrifice and survived D-day, I think we have to meet the obligation that service imposes on us in the Senate and as citizens.

HONORING OUR ARMED FORCES

SPECIALIST ROSS A. MCGINNIS

Mr. CASEY. Finally, I want to speak for a couple of moments about a Pennsylvanian. As I have mentioned before, there are more World War II Medal of Honor winners from Pennsylvania than anywhere else. We did some research, and you can go down the list of people who have served from Pennsylvania, who have been awarded the Congressional Medal of Honor, and we note that 378 Pennsylvanians have received the Medal of Honor out of about 3,467 overall, so a high percentage.

We had 25 Medal of Honor winners from World War II and in Operation Iraqi Freedom; one is the person I want to spend a couple of moments talking about. Operation Iraqi Freedom has only four, I am told, four Medal of Honor winners across the Nation, so Pennsylvania has one of those four, and his name is Specialist Ross A. McGinnis, 1st Platoon, C Company, 1st Battalion, 26th Infantry Regiment, 2nd Brigade Combat Team, 1st Infantry Division.

Mr. President, I ask unanimous consent to have printed in the RECORD a two-page document entitled, ''The Story of PFC Ross A. McGinnis,'' as well as a news story from the Pittsburgh Post Gazette from this week.

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

(See exhibit 1.)

Mr. CASEY. Mr. President, I will not read all of it, but I wanted to read the description of his sacrifice and the reason he was awarded the Congressional Medal of Honor, so rare for any soldier to be so awarded. Here is part of the official report. This is December 4, 2006.

> During the course of the patrol, an unidentified insurgent positioned on a rooftop nearby threw a fragmentation grenade into the Humvee. Without hesitation or regard for his own life, McGinnis threw his back over the grenade, pinning it between his body and the Humvee's radio mount. McGinnis absorbed all lethal fragments and the concussive effects of the grenade with his own body. McGinnis, who was a private first class at the time, was posthumously promoted to specialist. Specialist McGinnis's heroic actions and tragic death are detailed in the battlescape section of this website and in his Medal of Honor Citation.

He was a young man from Knox, PA, 19 years old, when he gave, as Abraham Lincoln also said, ''The last full measure of devotion to his country.'' And I have used that line a lot because it applies so well to those who have given their lives in Iraq or Afghanistan and other places around the world, but at no time—at no time—that I have used that line from Abraham Lincoln's Gettysburg Address has it applied better than it does in this instance, for Ross. A McGinnis, 19 years old, born June 14, 1987, in Meadville, PA, though he grew up in Knox, PA. He was a 2005 graduate of Keystone Junior-Senior High School, and his parents were with President Bush this week when he was awarded the Congressional Medal of Honor.

So we are thinking of him today, on D-day, but we should make sure those memories we have of his service, and all those who have served in any conflict, be the inspiration for our hard work in the Senate, to make sure we are doing everything we can to earn the valor they gave so heroically for our country. And that has to be about making sure our troops are given what they need when they are on the battlefield, but also ensuring that when they come home, the help doesn't stop at the shoreline; that they are given the best health care and the best educational opportunities.

So, Mr. President, I will conclude with this: We pay tribute to those who have served our country, especially today, in remembering those who served on D-day, but in a special way we are thinking of Ross A. McGinnis, his service, his sacrifice, and we are praying for his family.

EXHIBIT 1

THE STORY OF PFC ROSS A. MCGINNIS

1ST PLATOON, C COMPANY, 1ST BATTALION, 26TH INFANTRY REGIMENT, 2ND BRIGADE COMBAT TEAM, 1ST INFANTRY DIVISION

Spc. McGinnis' dedication to duty and love for his fellow Soldiers were embodied in a statement issued by his parents shortly after his death:

''Ross did not become our hero by dying to save his fellow Soldiers from a grenade. He was a hero to us long before he died, because he was willing to risk his life to protect the ideals of freedom and justice that America represents. He has been recommended for the Medal of Honor . . . That is not why he gave his life. The lives of four men who were his Army brothers outweighed the value of his one life. It was just a matter of simple kindergarten arithmetic. Four means more than one. It didn't matter to Ross that he could have escaped the situation without a scratch. Nobody would have questioned such a reflex reaction. What mattered to him were the four men placed in his care on a moment's notice. One moment he was responsible for defending the rear of a convoy from enemy fire; the next moment he held the lives of four of his friends in his hands. The choice for Ross was simple, but simple does not mean easy. His straightforward answer to a simple but difficult choice should stand as a shining example for the rest of us. We all face simple choices, but how often do we choose to make a sacrifice to get the right answer? The right choice sometimes requires honor.''

Ross Andrew McGinnis was born June 14, 1987 in Meadville, PA. His family moved to Knox, northeast of Pittsburgh, when he was three. There he attended Clarion County public schools, and was a member of the Boy Scouts as a boy. Growing up he played basketball and soccer through the YMCA, and Little League baseball. Ross was a member of St. Paul's Lutheran Church in Knox, and a 2005 graduate of Keystone Junior-Senior High School.

Ross's interests included video games and mountain biking. He was also a car enthusiast, and took classes at the Clarion County Career Center in automotive technology. He also worked part-time at McDonald's after school.

His mother, Romayne, said Ross wanted to be a Soldier early in life. When asked to draw a picture of what he wanted to be when he grew up, Ross McGinnis, the kindergartner, drew a picture of a Soldier.

On his 17th birthday, June 14, 2004, Ross went to the Army recruiting station and joined through the delayed entry program.

After initial entry training at Fort Benning, Georgia, McGinnis was assigned to 1st Battalion, 26th Infantry Regiment in Schweinfurt, Germany. According to fellow Soldiers, he loved Soldiering and took his job seriously, but he also loved to make people laugh. One fellow Soldier commented that every time McGinnis left a room, he left the Soldiers in it laughing.

The unit deployed to Eastern Baghdad in August 2006, where sectarian violence was rampant. Ross was serving as an M2 .50 caliber machine gunner in 1st Platoon, C Company, 1st Battalion, 26th Infantry Regiment in support of operations against insurgents in Adhamiyah, Iraq.

According to the official report, on the afternoon of Dec. 4, 2006, McGinnis' platoon was on mounted patrol in Adhamiyah to restrict enemy movement and quell sectarian violence. During the course of the patrol, an unidentified insurgent positioned on a rooftop nearby threw a fragmentation grenade into the Humvee. Without hesitation or regard for his own life, McGinnis threw his back over the grenade, pinning it between his body and the Humvee's radio mount. McGinnis absorbed all lethal fragments and the concussive effects of the grenade with his own body. McGinnis, who was a private first class at the time, was posthumously promoted to specialist. Spc. McGinnis's heroic actions and tragic death are detailed in the battlescape section of this website and in his Medal of Honor Citation.

Army Decorations: Medal of Honor (to be presented to Tom and Romayne McGinnis at a June 2, 2008 White House Ceremony), Silver Star (awarded for valor exhibited during the events of Dec. 4, 2006, pending processing and approval of Medal of Honor), Bronze Star, Purple Heart, Army Good Conduct Medal, National Defense Service Medal, Iraq Campaign Medal, Global War on Terrorism Service Medal, Army Service Ribbon, Overseas Service Ribbon, and Combat Infantryman Badge.

[From the Pittsburgh Post-Gazette]

(By Milan Simonich)

MEDAL OF HONOR PRESENTED TO FAMILY OF A HERO

WASHINGTON.—President Bush yesterday awarded the Medal of Honor to a fallen Clarion County soldier, calling him an ordinary guy who did the extraordinary to save the lives of four buddies in Iraq.

Spc. Ross McGinnis used his body to cover a grenade that an insurgent threw from a rooftop into an Army Humvee. By turning himself into a human shield, he gave his life to protect the other men in his crew.

Mr. Bush presented the Medal of Honor, America's highest military decoration, to Tom and Romayne McGinnis, parents of the 19-year-old soldier. About 300 people—including the four soldiers who survived the grenade blast—attended the ceremony in the East Room of the White House. It ended with everybody standing and applauding for Spc. McGinnis.

By then, Mrs. McGinnis was fighting back tears. Mr. Bush turned and kissed her on the cheek, causing her to smile. Then he escorted her from the room.

Afterward, Mrs. McGinnis said the president had told her he might cry if she did.

Tom McGinnis said his son, a restless and below-average student until his senior year of high school in Knox, would have savored this day of acclamation had he lived to see it.

''He'd have had a great time. He'd have enjoyed the spotlight,'' Mr. McGinnis said.

In an earlier interview, he said he is certain his son never thought of medals or glory. Friendships and relationships were all that motivated his son, Mr. McGinnis said.

Sgt. Ian Newland, the only soldier to be seriously injured in the explosion, walks with a cane now. At 28, he said his goal is to run again, though doctors tell him he won't. He wants to accomplish all he can each day—his only way of repaying Spc. McGinnis.

In a news conference after the ceremony, Sgt. Newland said each moment of the grenade explosion is burned into his memory. Even so, he said, it took a few days of reflection for him to fully grasp the magnitude of Spc. McGinnis' sacrifice.

The crew was rolling through a Baghdad neighborhood the morning of Dec. 4, 2006. Spc. McGinnis rode atop the Humvee in a hatch, manning a .50-caliber machine gun.

A man on a roof threw a grenade that dropped straight through the hatch and into the Humvee, where the other four soldiers essentially were trapped.

Spc. McGinnis could have dived onto the street to safety. Instead, he jumped back inside the Humvee and pinned the grenade between his back and the vehicle.

It exploded a second or two later, piercing Spc. McGinnis' body armor and blowing the doors off the Humvee. Shrapnel tore into Sgt. Newland's head and all four limbs.

As he looks back on that day, Sgt. Newland said he focuses on two things: ''The pain. The grief.''

The other three soldiers—Sgt. 1st Class Cedric Thomas, Sgt. Lyle Buehler and Spc. Sean Lawson—were not hurt physically. Sgt. Buehler said survivor's guilt weighs on him. Had the grenade rolled in front of him, he would have been in the position to cover it. As it happened, only Spc. McGinnis knew where the grenade was.

The others say Spc. McGinnis took little seriously except soldiering.

''The first time I met him, he had me laughing,'' Spc. Lawson said.

In his combat team in the 1 st Battalion, 26 Infantry Regiment, Spc. McGinnis developed a reputation for doing impressions, the soldiers said. So spot-on were his imitations that a drill instructor even laughed when he was the object of one of them.

The youngest man in his unit, Spc. McGinnis looked out for his crew as though they were brothers. Sgt. Thomas offers the most succinct description of the 6-foot, 136-pound beanpole, saying: ''He is a hero.''

Mr. McGinnis said his son knew that four lives were more valuable than one, so he instinctively reacted to save the others.

He remembers his son as an ordinary kid who made plenty of mistakes, then got interested in military service and fulfilled his potential in the Army.

''It wasn't an exciting story until right to the end,'' Mr. McGinnis said.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

TRIBUTE TO CINDY HAYDEN

Mr. SESSIONS. Mr. President, I rise today to bid farewell to my chief counsel on the Judiciary Committee, Cindy Hayden, who is with me today. We all depend so much on our staff. They give of themselves, they give of their time, they are committed to their beliefs, and serve America, and we are never able to say thank you to all of them, but on special occasions, I think it is important to do so. In saying my thanks to her, I am saying thanks to all my staff, and to all the staff of the Senate, who serve us so well, often without ever receiving credit.

I am pleased for her because she will be starting a new chapter in her professional life, though her departure will be a tremendous loss to my staff and the Senate at large. I am glad she will be in DC, working close by, so we can call on her when we need her help.

Cindy Hayden is an exceptional person. I feel a great loss at her departure. Each day that we have worked together, she has shown an unwavering dedication to our shared values, to her State, and to her Nation. Her passion for the law is unmatched, and her commitment to the rule of law is unwavering. I trust her judgment, her political instincts, and her values. I have relied on her to manage my Judiciary staff and the multitude of important issues that committee handles. With so many issues arising on a daily basis, it is sometimes not possible for me to personally be aware of them all. In everything from judicial nominations, immigration, and any number of constitutional issues, Cindy has exhibited an intellectual capacity, a tenacity to principle, a strong work ethic, and a professional integrity that is above reproach.

Before joining my staff, she had a distinguished academic career at my undergraduate school, Huntington College, and the University of Alabama School of Law. At Huntington, Cindy had an outstanding record of academic excellence, receiving degrees in both chemistry and political science. I think chemistry is pretty impressive and would certainly get your attention when you looked at a resume. She then went to law school at the University of Alabama, where she graduated cum laude and served as managing editor of the Journal of Legal Profession and was a member of the moot court board. While in law school, she clerked in the office of the Alabama Attorney General under my successor, now Eleventh Circuit Judge Bill Pryor, a brilliant legal mind himself.

Immediately after taking the bar, Cindy started working as counsel on my staff, and for the past 6 years worked her way up to chief counsel. Her work on the Senate Judiciary Committee has been extraordinary, and I believe the committee is a better place for her service. The committee takes on an enormous number and wide variety of complex and sometimes controversial issues. It is one of the most demanding committees in the Senate. To be successful as an attorney on that committee you must not only be hard working and intelligent and someone who works very long hours, but you must also be a strong negotiator, able to frame arguments in a passionate, respectful, and intellectually honest way. She has done all that with seemingly effortless skill.

I would note that the Judiciary Committee has attracted, and has right now, a host of superior attorneys who serve all of us. They are an excellent team, indeed. I would be remiss not to mention her stellar work on immigration. Since she arrived in my office, Cindy has worked tirelessly to protect the rule of law in this country, and as it turned out, she found herself at the center of a national debate on how to fix the broken immigration system in our country. Those of you who have worked on either side of the issue have certainly had to deal with Cindy and her relentless advocacy as she became the go-to person on immigration, providing a wealth of information and knowledge for all involved.

Indeed, her ''alerts'' that were sent out—always meticulously accurate—were picked up routinely all over the country by media outlets as accurate depictions of developments, as they were occurring so rapidly during that intense debate. So whether you were for her or against her in principle, everyone can certainly agree she handled herself with dignity, courage, tenacity, and capability during that debate.

Evidence of her dedication and influence on the committee and its staff can be seen by what some of her colleagues have had to say about her. And this is a good team, indeed. Ed Haden, my former chief counsel, who hired her, said:

> Cindy immediately made a difference when she started on the committee. Her intelligence, work ethic, initiative, and willingness to stand up and defend her position made her a great asset. Her unflinching integrity and solid core values made her a success as a lawyer and as a friend.

And I would add that she was raised right. She has great values, as a product of Cullman, AL. She grew up in the heart of Alabama and was raised in an outstanding way.

William Smith, my former chief counsel and current executive director of the Americans for Limited Government Research Foundation, said the following:

> I have met and worked with a number of great lawyers. Cindy Hayden is in a category more select than great. She is one of the few superior lawyers I have met. I was privileged to serve with her on the Judiciary Committee and I count her a true confidant. Our motto in the office was, ''we work from sun to sun; our work is never done.'' Cindy has lived up to and surpassed that calling. On top of this, she is a great American. The only group I know that will truly celebrate her departure will be illegal aliens.

That is what William Smith said. Brian Darling, director of Senate Relations for the Heritage Foundation said this:

> Cindy has been a hero to conservatives nationwide who believe in the rule of law.

Without Cindy and ''Team Sessions''' tireless efforts to educate the American public on the contents of the secretly drafted amnesty bill, the bill may have become law.

Wendy Fleming, General Counsel for the Senate Steering Committee says:

Cindy Hayden is a great American, a smart lawyer, and a wonderful friend. During her time on the Judiciary Committee, Cindy has displayed unwavering devotion to Senator Sessions, the people of Alabama, and her conservative principles. I am honored to have had the opportunity to work with Cindy.

Brooke Bacak, former Counsel for me and current Chief Counsel for Senator COBURN says:

I have had the privilege of knowing Cindy for 10 years. Having first met in College Republicans, I learned about her conservative convictions very early in our friendship. Cindy has proven to be a true patriot, and I am grateful for the role that she has played in the U.S. Senate. But beyond our political and professional association, Cindy has become a true friend. She and her husband, Matt, are two of the most generous people I know. From birthdays to illnesses, the Haydens always make time to be with their friends. Their kindness has made a difference to me and many others. I wish Cindy the very best in her new job and hope she knows how much she will be missed.

Joe Matal, Counsel for Senator KYL says:

If you look closely at the corpse of last year's immigration bill, you will find a series of small squares holes in its back. Those holes were produced by Cindy's heels, stomping that bill to death.

Rita Lari Jochum, Chief Counsel for Senator GRASSLEY, says:

Cindy Hayden has served Senator Sessions, Alabama and our country extremely well. A committed advocate for conservative principles, Cindy has been tenacious in her drive to do what is right. We all are going to miss a great friend and skilled colleague.

Lauren Petron, Chief Counsel for Senator BROWNBACK, says:

Cindy is a principled conservative, a tireless advocate, a talented lawyer, a trusted colleague, and a dear friend. She is truly a person who lives out her values and beliefs. I feel privileged to have worked with her on the Judiciary Committee, and I am certain that she will be a great success in all her future endeavors.

John Abegg, Counsel for Minority Leader MITCH MCCONNELL:

Cindy continued a long line of outstanding chief counsels for Senator Sessions. She is smart, principled, and tough, but has a kind heart as well. She worked tirelessly to serve Senator Sessions' Alabama constituents and the people of the United States, and she did so with distinction.

Alan Hanson, my Legislative Director says:

Cindy is a serious and accomplished professional with a big heart and disarming wit. While I will miss being her colleague in the Senate, I know Cindy will do well in all her endeavors and wish her the best.

Ajit Pai, Deputy General Counsel for the FCC says:

Staffers on both sides of the aisle would agree that Cindy Hayden brings to the table a welcome combination of intelligence, dedication, and likeability. It was my privilege to have worked with her on Senator Sessions' staff, and it will always be my privilege to call her a friend.

Bradley Hayes, my Senior Counsel says:

I have had the honor to work with both talented professionals and close, personal friends. In Cindy Hayden, I've had the rare privilege to work with an individual who encompasses both. I have had the pleasure to work with Cindy since the day I started in the Senate almost three years ago. On a daily basis, I have been able to battle liberals with a person whom I not only respect and admire, but someone whose friendship I will value long after her departure. From her first day in the Senate, Cindy has worked tirelessly to promote conservative principles and has been a tremendous asset for both Senator Sessions and the U.S. Senate. The State of Alabama and the nation as a whole are better because of her selfless work these past six years. Though she leaves us to carry on the fight, the lessons she has taught me, and others who have worked with her, will ensure that Cindy's legacy of fidelity to the rule of law and conservative principles will continue for years to come.

These are just some of the statements from the staffers whom Cindy has worked with that reflect their respect for her.

I will just conclude personally by saying I never had a staffer to be more involved than Cindy in as sustained and intense a period of debate as we find ourselves in on the immigration debate. It was a constant every day struggle, and things were always rapidly changing.

We believe the bill on the floor, though it had a lot of support and many good things in it, was not the right approach to solving our illegal immigration problems in America. We decided someone had to be active in that and raise those issues. Cindy was just fabulous, and I depended on her. Day after day, her work and the respect she engendered throughout the country played a big role in the final result, in which the bill was pulled down without passage in that form.

Mr. President, I appreciate the opportunity to share these words. As I speak about her, again I want to note I share my thoughts and these comments about so many of our staffers who serve America in the Senate.

I yield the floor, and I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

CLIMATE CHANGE

Mrs. LINCOLN. Mr. President, I come before our body today because we are dealing with such an incredibly important issue. It is an issue that is full of technicalities but also a lot of passion, a lot of incredible passion about how we take care of this incredible blessing of a planet we have been given, take care of its climate and its environment and all of the incredible things it does for us, and what we have a responsibility to do in return.

As a daughter of an Arkansas farmer, I was taught at an early age in life to be a good steward of the land we have been given, to understand there will be future generations who will need it, who will cherish it, and who will learn from it. Today, my husband Steve and I continue to instill those principles in our twin boys through all kinds of different activities, whether it is the Scouts they have participated in, whether it is their athletics, whether it is the fishing and hunting they love to do, whether it is the canoeing and camping we do on the beautiful rivers of Arkansas in the great outdoors—being together and sharing time, being together and being respectful of this great environment we have been given.

Since the issue of global climate change first came before the Senate, it has become abundantly clear to me and I think to millions of Americans as well as those in this body that we have to take action on this issue if we have any hope of correcting it. We have had our heads in the sand for quite some time. It is important that we get busy. It is important that we get busy in making a difference, in changing our culture in many ways in order to be better equipped to deal with the problems we have in this environment.

But it is also abundantly clear that we also have to make sure that our head is not in the clouds and that we are being realistic about the economy we have created, about the number of people on the face of this Earth who depend on this economy, and how critically important it is to provide the kind of partnership and empowerment to our existing culture to make the transition from what we have to what we want to have in terms of dealing with our climate through the economic engines we have in this great land, in this great country.

As many of my colleagues have mentioned, the environmental impact of inaction threatens our coastline, the polar icecaps, weather patterns, and animal migration, but it also threatens our ability to be competitive in the world marketplace and to grow the kinds of jobs we truly want to grow if we ignore the opportunities that exist if we do this correctly. If we do this correctly, we can not only provide the kind of move in the right direction that will be positive for our environment, but we can also seize the opportunity to empower industry and our economy in a way that we can grow jobs at the same time.

While the environmental danger that climate change poses is so considerable, I am also very concerned about many aspects of this bill. The reality is that the bill we have here before us today cannot pass. We cannot pass this legislation and believe the problem is going to be fixed because there are multiple problems. It is not just the climate and not just the environment,

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 repeal 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

than violate an executive order, the President has instead modified or waived it.

As the Presiding Officer well knows, Executive orders have the force of law. A theory like this allows the Federal Register, where the executive orders are assembled, to become a screen of falsehood behind which illegal programs can operate in violation of the very executive order that purports to control the executive branch. So that was a fine one.

Here is another:

The President, exercising his constitutional authority under Article II—

That is the section of the Constitution that provides for the Presidency and the executive branch of Government. Article I establishes the Congress; article II establishes the executive branch—

can determine whether an action is a lawful exercise of the President's authority under Article II.

I think the expression for that is ''pulling yourself up in the air by your own bootstraps,'' and it runs contrary to widely established constitutional principle. The seminal case of Marbury v. Madison, which every law student knows, says it is emphatically the province and the duty of the judiciary to say what the law is. And none other than the great Justice Jackson once observed:

Some arbiter is almost indispensable when power . . . is . . . balanced between different branches, as the legislature and the executive. . . . Each unit cannot be left to judge the limits of its own power.

Yet this was the opinion of the Office of Legal Counsel.

Here is the one I found perhaps most personally nauseating:

The Department of Justice is bound by the President's legal [opinions.].

A particularly handy little doctrine for the White House, when it is the legality of White House conduct that is at issue. Wouldn't it be nice if you could come into the courts of America or face the laws of America with a principle that the law-determining body has to follow your instruction? If criminals had that, no one would ever go to jail. It is inappropriate in our system of justice.

So I found these theories pretty appalling. I found them to be, frankly, fringe theories from the outer limits of legal ideology. They started me worrying about what is going on at the Office of Legal Counsel.

Then we came to the OLC opinions the Bush administration used to authorize waterboarding of detainees. Then, again, I came to the floor because I was flabbergasted, horrified to discover that to reach its conclusions, the Office of Legal Counsel totally overlooked two highly relevant legal determinations and then went and drew language out of health care reimbursement law—health care reimbursement law—in order to justify allowing the administration to torture and waterboard prisoners.

What were the highly relevant legal determinations the Office of Legal Counsel overlooked? Well, one was that it was American prosecutors and American judges who in military tribunals after World War II prosecuted Japanese soldiers for war crimes, for torture, on evidence of their waterboarding American prisoners of war. Missed it.

The other major thing the OLC overlooked was that the Department of Justice itself prosecuted a Texas sheriff as a criminal for waterboarding prisoners in 1984. The sheriff's conviction went up on appeal to the U.S. Court of Appeals for the Fifth Circuit, one row under the U.S. Supreme Court, and the appeals court, in a public opinion, described the technique as ''water torture.'' The opinion used the term ''torture'' over and over again. All a legal researcher has to do is type the words ''water torture'' into the legal search engines, Lexus or Westlaw, and this case comes up: United States v. Lee, 744 F2d 1124.

How did the wide-ranging legal analysis that ranged as far afield as health care reimbursement law for guidance miss a case that is bang on point, that was prosecuted by the Department of Justice itself, that is reported in a decision of the U.S. Court of Appeals, that describes this exact technique as ''water torture''? How, indeed.

After this, I began to refer to whatever it is that the Office of Legal Counsel has now become as George Bush's ''Little Shop of Legal Horrors.''

Now we have this. The FISA statute contains what is called an exclusivity provision. The FISA statute of the Foreign Intelligence Surveillance Act is the law that governs our surveillance authority on foreign intelligence matters. It is an active issue before this body right now, and the exclusivity provision is actively being discussed. Here is how it reads:

[FISA] shall be the exclusive means by which electronic surveillance . . . and the interception of domestic wire, oral, and electronic communications may be conducted.

''Exclusive means.'' It seems pretty clear. And exclusivity provisions such as this in statutes are not uncommon. More on that later.

But let's look at what the Office of Legal Counsel said about that language. This is language Senator FEINSTEIN and I have had declassified. Similar to the others, it was buried in a classified opinion:

Unless Congress made a clear statement in the Foreign Intelligence Surveillance Act that it sought to restrict presidential authority to conduct wireless searches in the national security area—which it has not—

''Which it has not''—

then the statute must be construed to avoid such a reading.

Well, this is particularly devilish because we have had a long argument through the FISA debate with the administration over the exclusivity provision. Senator FEINSTEIN has led the charge on this, with strong bipartisan support from Senators HAGEL and SNOWE, and never once, in all these discussions, have I heard the administration say: Oh, there is a problem with the exclusivity language in the FISA bill. There is a loophole in it. It is not as strong as it could be. There is something Congress did in the exclusivity clause that would open a way for the President to wiretap Americans without a warrant.

Never once been said. But behind the scenes, in secret opinions, they proclaimed that some loophole exists. I do not see the loophole: FISA ''shall be the exclusive means . . . .'' Where are you going to challenge it? Are you going to say: Well, maybe the hole is that they referenced the national security area? But the national security area is where our foreign intelligence surveillance exists. Well, maybe it has to do with wireless searches? No, wireless searches are precisely what the FISA act is all about. Maybe it has to do with Presidential authority? Well, who else wiretaps? We do not in Congress. The judges do not. Of course, it is the executive branch.

So maybe it is that they do not think it was a clear enough statement? Well, let's take a look at that and start with a case from the U.S. Supreme Court. The Supreme Court was discussing a statute that gave the Court ''exclusive'' jurisdiction. Chief Justice Rehnquist wrote for the Supreme Court that this was ''uncompromising language.''

He continued:

[T]he description of our jurisdiction as ''exclusive'' necessarily denies jurisdiction of such cases to any other federal court.

Chief Justice Rehnquist said:

This follows from the plain meaning of ''exclusive.''

The Chief Justice then cited to Webster's New International Dictionary for that plain meaning. My Webster's defines ''exclusive'' as ''single, sole,'' ''excluding others from participation.'' That sounds clear to me. The ''single'' means, the ''sole'' means, the means that excludes others from participation.

Lower courts have discussed the FISA statute's own exclusivity provision directly. Chief Justice Rehnquist was talking about a different exclusivity provision. The FISA exclusivity provision was the subject of a case called United States v. Andonian, cited 735 F. Supp. 1469. The court said this. Let me read three sentences talking about the exclusivity language in FISA.

[This language] reveals that Congress intended to sew up the perceived loopholes through which the President had been able to avoid the warrant requirement. The exclusivity clause makes it impossible for the President to ''opt-out'' of the legislative scheme by retreating to his ''inherent'' Executive sovereignty over foreign affairs . . . . The exclusivity clause . . . assures that the President cannot avoid Congress' limitations by resorting to ''inherent'' powers as had President Truman at the time of the ''Steel Seizure Case.''

By using this exclusivity clause, the court concluded:

Congress denied the President his inherent powers outright. Tethering Executive reign,

Congress deemed that the provisions for gathering intelligence in FISA and Title III were ''exclusive.''

Now, there still may be a constitutional question about whether the President's Article II powers exist, no matter whether Congress has passed a particular statute. But there can be no real question about the intention or the effect of FISA's exclusivity provision.

I have sat and stared at FISA's exclusivity provision and the OLC language side by side, and I cannot make sense of how they came to that conclusion. Congress says, plain as day, FISA is the exclusive means, and OLC says Congress did not say that.

So I wonder, maybe there is some strange legal use of the term ''exclusive'' that I missed in my 25 years of lawyering. Then I find this Court decision that says this very language in the FISA statute means Congress ''intended to sew up the perceived loopholes,'' that this language ''makes it impossible for the President to 'opt-out' '' of the FISA requirements; that it ''assures that the President cannot avoid Congress's limitations,'' and that by this language ''Congress denied the President his inherent powers outright.''

Then I thought, maybe that is just a district court decision. That is a lower court. But here is the Supreme Court of the United States looking at an exclusivity clause in another statute and calling it ''uncompromising language,'' taking that word ''exclusive'' at its plain dictionary meaning. There is literally no way I can see to reconcile OLC's statement with the clear, plain language of Congress.

I have, in the past, expressed the fear that the Office of Legal Counsel, under veils of secrecy, immune from either public scrutiny or peer review, became a hothouse of ideology, in which the professional standards expected of lawyers were thrown to the winds, all in order to produce the right answers for the bosses over at the White House.

Well, as I said at the beginning, here we go again. Oh, one more thing. When the Department of Justice sent me the letter acknowledging that there was nothing that needed to be classified about this phrase, they also said this phrase was now disclaimed—their opinion was now disclaimed; not just declassified but disclaimed—by the Department of Justice.

The letter reads:

[A]s you are aware from a review of the Department's relevant legal opinions concerning the NSA's warrantless surveillance activities, the 2001 statement addressing FISA does not reflect the current analysis of the Department.

But that does not answer this: What went wrong at the OLC? What led to this disclaimed opinion in the first place, and other opinions I have had to come to the floor about? Has it been put right? This is an important question because this is an important institution of our Government, and we need to be assured it is working for the American people, that it is of integrity and that it is back to the standards of legal scholarship that long characterized the once-proud reputation of that office.

We do not have that assurance. There is a continuing drumbeat of what appears to be incompetence, and we need the reassurance. We are entitled to the reassurance. Something has to be done.

Mr. President, I ask unanimous consent that the Department's letter be printed in the RECORD.

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

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, May 13, 2008.

Hon. DIANNE FEINSTEIN,
Hon. SHELDON WHITEHOUSE,
U.S. Senate,
Washington, DC.

DEAR SENATOR FEINSTEIN AND SENATOR WHITEHOUSE: This responds to your letter, dated April 29, 2008, which asked about a particular statement contained in a classified November 2001 opinion of the Department's Office of Legal Counsel addressing the Foreign Intelligence Surveillance Act. The statement in question asserted that unless Congress had made clear in FlSA that it sought to restrict presidential authority to conduct warrantless surveillance activities in the national security area, FlSA must be construed to avoid such a reading. The statement also asserted the view in 2001 that Congress had not included such a clear statement in FlSA. As you know, and as is set forth in the Department of Justice's January 2006 white paper concerning the legal basis for the Terrorist Surveillance Program, the Department's more recent analysis is different: Congress, through the Authorization for Use of Military Force of September 18, 2001, confirmed and supplemented the President's Article II authority to conduct warrantless surveillance to prevent catastrophic attacks on the United States, and such authority confirmed by the AUMF can and must be read consistently with FlSA, which explicitly contemplates that Congress may authorize electronic surveillance by a statute other than FlSA.

We understand you have been advised by the Director of National Intelligence that the statement in question, standing alone, may appropriately be treated as unclassified. We also would like to address separately the substance of the statement and provide the Department's views concerning public discussion of the statement.

The general proposition (of which the November 2001 statement is a particular example) that statutes will be interpreted whenever reasonably possible not to conflict with the President's constitutional authorities is unremarkable and fully consistent with the longstanding precedents of OLC, issued under Administrations of both parties. *See, e.g.*, Memorandum for Alan Kreczko, Legal Adviser to the National Security Council, from Walter Dellinger, Assistant Attorney General, Office of Legal Counsel, Re: Applicability of 47 U.S.C. section 502 to Certain Broadcast Activities at 3 (Oct. 15, 1993) (''The President's authority in these areas is very broad indeed, in accordance with his paramount constitutional responsibilities for foreign relations and national security. Nothing in the text or context of [the statute] suggests that it was Congress's intent to circumscribe this authority. In the absence of a clear statement of such intent, we do not believe that a statutory provision of this generality should be interpreted so to restrict the President constitutional powers.''). The courts apply the same canon of statutory interpretation. See, e.g., Department of Navy v. Egan, 484 U.S. 518,530 (1988) (''[U]nless Congress has specifically provided otherwise, courts traditionally have been reluctant to intrude upon the authority of the Executive in military and national security affairs.'').

However, as you are aware from a review of the Department's relevant legal opinions concerning the NSA's warrantless surveillance activities, the 2001 statement addressing FISA does not reflect the current analysis of the Department. Rather, the Department's more recent analysis of the relation between FISA and the NSA's surveillance activities acknowledged by the President was summarized in the Department's January 19, 2006 white paper (published before those activities became the subject of FISA orders and before enactment of the Protect America Act of 2007). As that paper pointed out, ''In the specific context of the current armed conflict with al Qaeda and related terrorist organizations, Congress by statute [in the AUMF] had confirmed and supplemented the President's recognized authority under Article II of the Constitution to conduct such surveillance to prevent further catastrophic attacks on the homeland.'' Legal Authorities Supporting the Activities of the National Security Agency Described by the President at 2 (Jan. 19, 2006). The Department's white paper further explained the particular relevance of the canon of constitutional avoidance to the NSA activities: ''Even if there were ambiguity about whether FlSA, read together with the AUMF, permits the President to authorize the NSA activities, the canon of constitutional avoidance requires reading these statutes to overcome any restrictions in FISA and Title III, at least as they might otherwise apply to the congressionally authorized armed conflict with al Qaeda.'' Id. at 3.

Accordingly, we respectfully request that if you wish to make use of the 2001 statement in public debate, you also point out that the Department's more recent analysis of the question is reflected in the passages quoted above from the 2006 white paper.

We hope that this information is helpful. If we can be of further assistance regarding this or any other matter, please do not hesitate to contact this office.

Sincerely,

BRIAN A. BENCZKOWSKI,
Principal Deputy Assistant Attorney General.

Mr. WHITEHOUSE. Mr. President, I thank the Presiding Officer again for his courtesy and yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Jersey, Mr. LAUTENBERG.

Mr. LAUTENBERG. Mr. President, I thank you. I will not take long.

D-DAY AND THE GREATEST GENERATION

Mr. LAUTENBERG. Mr. President, today is a noteworthy anniversary. It is the anniversary of D-day, the day the largest invasion force in the history of man landed on the beaches of Normandy.

They came from across the world—133,000 brave soldiers, sailors, and airmen—from England, Canada, and the United States. On that particular day, more than 10,000 soldiers died, giving their lives so that their families, their

country, and the rest of the world could live in peace and be free.

The bravery and honor of those men has come to be known with three simple words: ''the greatest generation.'' Their sacrifice in battle and their continued service once they got home defined everything that was good and right about America. We honored their service and sacrifice with parades and public ceremonies and memorials to the fallen, but it was also honored in another way. We gave them the chance to go to college and pursue an education. We gave them the chance to build a better future for themselves and their families. Those of us who served in that terrible war got the chance to begin the innovation that drove America into the future. We received the GI bill for our service.

Many veterans of World War II have served in the Senate, many of whom were honored by medals of valor. We still have someone who served in World War II who earned the Medal of Honor—Senator DAN INOUYE from Hawaii—for his incredible bravery in World War II, for his bravery under fire.

I am who I am today because of the GI bill. One of my dreams was to go to college—a dream that came true because of that bill, the GI bill. Eight of the sixteen million World War II veterans got an education because of that bill. It was paid for, and it even carried a small stipend for the expenses that one had as a college student. Now we need to start to build a new greatest generation. I want the veterans of the wars of Iraq and Afghanistan to have the same opportunity—an opportunity that enables them to contribute to their families and our Nation.

A college education is a key to that opportunity, but college costs have jumped so high—57 percent just in the last 6 years. The current GI bill does not cover those costs. So our brave veterans are forced to pay for their tuition and books out of their own pockets, watch their debts get worse and worse, and some cannot get to college at all.

We often say we honor our veterans, but now is the time to show them what we mean. That is exactly what our new GI bill does. Our bill closes the gap between the cost of college and the amount the veteran pays for their education. I am proud to be working with my colleagues. The occupant of the President's chair right now, Senator JIM WEBB of Virginia, started this process—this bill—16 months ago. Others, including Senator CHUCK HAGEL, Senator JOHN WARNER, and I, and more than half of the Senate, are fighting to get them the benefits they earned. They deserve no less.

The Senate has voted. The House has voted. Now we plead with President Bush to join with the majority of the Congress, all of the leading veterans organizations, and the American public in support of our bill. Since the beginning of the wars in Iraq and Afghanistan, more than 1.5 million Americans have worn the uniform and served our Nation with honor and distinction. Now it is time for us to stand with our veterans who have served since 9/11 so they, too, can build a future for their families.

After D-day, Americans recognized the sacrifice our troops made and came together to honor that service. Now is the time for us to stop playing politics and come together once again.

Our veterans have earned a new GI bill. On this D-day anniversary, let's give them the respect and the benefits they deserve.

I close with once again commending our colleague, Senator JIM WEBB, who has himself a distinguished military record and insisted from his earliest days that we take care of our veterans so they can take care of America and regain the leadership this country has lost and will retrieve.

I yield the floor.

The PRESIDING OFFICER (Mr. WEBB). The Senator from North Dakota is recognized.

GI BILL

Mr. DORGAN. Mr. President, my colleague, Senator LAUTENBERG from New Jersey, just described something that is very important. He described the role of himself and others, and particularly the occupant of the chair as Presiding Officer, in working on the new GI bill. I was proud to be a cosponsor. I join him in hoping that President Bush will agree with the majority of the House and the Senate to look favorably upon this bill and agree to sign legislation that includes this bill. We owe it to America's veterans. I appreciate the comments made by my colleague from New Jersey.

TRIBUTE TO ROBERT KENNEDY

Mr. DORGAN. Mr. President, I wish to talk just for a moment today about the cloture vote on climate change legislation earlier today, but first, while I am getting some charts together, I wanted to mention also that this is the 40th anniversary that was yesterday of the death of Robert Kennedy.

I was driving to the Capitol listening to a news report about that day 40 years ago when Robert Kennedy was assassinated in Los Angeles, CA, and I was thinking about the fact that I was a very young man back then working on the Robert Kennedy Presidential campaign in my State when I heard that he had been assassinated. It was such an unbelievable blow to me and to all of the others who worked on the campaign and to so many other Americans who believed his campaign for the Presidency held such great promise.

Most young people in this country today know nothing about a 1968 Presidential campaign by Robert F. Kennedy. It was an extraordinary time, and he was an extraordinary man. I wish to read just a couple of comments by the late Robert F. Kennedy, who was, by the way, a Senator and served in this body, as well as served as Attorney General of this country.

He gave a speech once that I have often quoted. It was a speech he gave in South Africa. Many will know these words. In his speech he said this:

> Few will have the greatness to bend history; but each of us can work to change a small portion of the events, and in the total of all these acts will be written the history of a generation . . . it is from numberless diverse acts of courage and belief that human history is thus shaped. Each time a man stands up for an ideal, or acts to improve the lot of others, or strikes out against injustice, they send forth a tiny ripple of hope, and crossing each other from a million different centers of energy and daring those ripples build a current which can sweep down the mightiest walls of oppression and resistance.

He gave that speech June 6, 1966, at the University of Cape Town in South Africa. People often talk about those ripples of hope that can sweep down the mightiest walls of resistance and oppression, and that passion and that dream and belief still exist today.

I reread this morning the speech Robert Kennedy gave during his Presidential campaign in Indianapolis, IN, on the evening of April 4, 1968, when Martin Luther King was assassinated. The crowd that had gathered for Robert Kennedy's appearance did not know that Dr. Martin Luther King had been assassinated and Robert Kennedy came to that area of Indianapolis. He was asked not to go because of concerns about his safety. He went anyway and he gave one of the most wonderful speeches. It was without a note, just an extemporaneous speech that had so much passion. I shall not read it today, but I ask unanimous consent that it be printed in the RECORD at this point.

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

> Ladies and Gentlemen—I'm only going to talk to you just for a minute or so this evening. Because . . .
>
> I have some very sad news for all of you, and I think sad news for all of our fellow citizens, and people who love peace all over the world, and that is that Martin Luther King was shot and was killed tonight in Memphis, Tennessee.
>
> Martin Luther King dedicated his life to love and to justice between fellow human beings. He died in the cause of that effort. In this difficult day, in this difficult time for the United States, it's perhaps well to ask what kind of a nation we are and what direction we want to move in.
>
> For those of you who are black—considering the evidence evidently is that there were white people who were responsible—you can be filled with bitterness, and with hatred, and a desire for revenge.
>
> We can move in that direction as a country, in greater polarization—black people amongst blacks, and white amongst whites, filled with hatred toward one another. Or we can make an effort, as Martin Luther King did, to understand and to comprehend, and replace that violence, that stain of bloodshed that has spread across our land, with an effort to understand, compassion and love.
>
> For those of you who are black and are tempted to be filled with hatred and mistrust of the injustice of such an act, against all white people, I would only say that I can

also feel in my own heart the same kind of feeling. I had a member of my family killed, but he was killed by a white man.

But we have to make an effort in the United States, we have to make an effort to understand, to get beyond these rather difficult times.

My favorite poet was Aeschylus. He once wrote: ''Even in our sleep, pain which cannot forget falls drop by drop upon the heart, until, in our own despair, against our will, comes wisdom through the awful grace of God.''

What we need in the United States is not division; what we need in the United States is not hatred; what we need in the United States is not violence and lawlessness, but is love and wisdom, and compassion toward one another, and a feeling of justice toward those who still suffer within our country, whether they be white or whether they be black.

(Interrupted by applause)

So I ask you tonight to return home, to say a prayer for the family of Martin Luther King, yeah that's true, but more importantly to say a prayer for our own country, which all of us love—a prayer for understanding and that compassion of which I spoke. We can do well in this country. We will have difficult times. We've had difficult times in the past. And we will have difficult times in the future. It is not the end of violence; it is not the end of lawlessness; and it's not the end of disorder.

But the vast majority of white people and the vast majority of black people in this country want to live together, want to improve the quality of our life, and want justice for all human beings that abide in our land.

(Interrupted by applause)

Let us dedicate ourselves to what the Greeks wrote so many years ago: to tame the savageness of man and make gentle the life of this world.

Let us dedicate ourselves to that, and say a prayer for our country and for our people. Thank you very much. (Applause)—Robert F. Kennedy, April 4, 1968.

CLIMATE SECURITY

Mr. DORGAN. Mr. President, the vote this morning was a vote dealing with climate change. This vote, however, was not a yes or no on climate change legislation; the vote was on a cloture motion to invoke cloture. I voted against invoking cloture. I wish to make sure those who have worked so hard on the legislation we were considering do not feel that vote diminishes the work they have done.

I believe there is something happening to the climate of this planet. I believe there is something dealing with global warming that threatens our future. I believe we have a responsibility to address it. I commend those who worked on the legislation and brought it to the floor of the Senate. It was a good start. It was not perfect and needed amendments in my judgment. A tangled web was created on the floor of the Senate through no fault of the majority leader who brought this to the floor. He indicated at the first moment that he wished this to be an open process with open debate and open opportunity for amendments. The tangled web that then ensued was a web that led us to a cloture motion and the filing of a cloture motion. Voting for cloture meant that we would be prevented from offering an amendment post cloture. I did not believe I wanted to put myself in that position because I have two amendments that have been filed. I had two amendments which I wished to offer and get them pending. Because of procedural hurdles, I was prevented from doing so because I was prevented from calling up amendments, even though they were filed. I wasn't very interested in supporting a cloture motion which would then prevent me from having the amendments considered by the Senate as we move forward to finish the piece of legislation. So that represents my view of why I would not support cloture.

I filed an amendment dealing with additional funding for coal and carbon capture and storage programs. I think we need to do a couple of things if we are going to have a global climate change bill work. First of all, at the front end, for the first 5, 10, 12 and 14 years, we have to have a kind of Manhattan Project in which we decide for renewable, efficiency and clean coal energy resources that we are going to break out of the box and move forward very, very, very aggressively.

If we are going to deal with this issue, we have to move solar and be serious about developing substantial capabilities in solar energy. That requires a massive amount of research and development. We have to be serious about wind energy and geothermal and biomass as well. We have to be serious about a whole range of renewable energy resources.

We have not been serious in this country. In 1916 we said to oil and gas companies: If you want to go find oil and gas, good for you, God bless you. We want to provide big tax breaks for you for doing it. These permanent tax breaks have lasted forever regarding oil and gas.

What did we do with those who were pursuing renewable energy? In 1992 we said: We will give you some tax incentives. By the way, they will be temporary and kind of shallow, and we will extend them five times for a very short term, and we will let them expire three times. That is a pathetic, anemic response for a country that ought to, in my judgment, gallop full speed ahead toward the use of renewable energy. But you have to have conservation and renewable energy research and development commitments to achieve that goal.

In addition to that, we are going to have to continue to use coal in our future. Forty-eight percent of our electricity comes from coal. We are not in a position where we can simply say we are not going to use coal. At the front end of this bill, we need to create a substantial amount of resources to engage in the research and development, demonstration and commercial deployment of projects that allow us to use coal to produce electricity without injuring our environment. That means capturing carbon and sequestering carbon. That is central to the future use of coal and other fossil fuels.

Now, it is not as if it can't be done. We are doing it in some areas, but we need so much more work on the research and development end.

This is a plant in North Dakota. It is the only one like it in North America. We produce synthetic natural gas from lignite coal. We take pieces of coal, and we produce synthetic gas from it. It works very well. In fact, it is one of the world's largest demonstrations for capturing and storing carbon. We capture 50 percent of the carbon from this plant; put it in a pipeline; move it to Saskatchewan, Canada; and invest it underground into Canadian oil wells to pump up and produce more oil.

Most oil that is drilled from underground pools only provides about 30 percent of its potential. The rest remains in the ground. If you can use CO_2 from fossil fuels at electric power plants and other facilities, that CO_2 would not be released into the atmosphere to impact the climate. At the same time, you can use that CO_2 instead for beneficial purposes and invest into an oil well. Thus, you not only put the CO_2 underground and sequester it, you also enhance domestic oil development and production.

There are a lot of things going on. But the underlying bill didn't have nearly enough funding at the front end, in my judgment, for the research and development component. My filed amendment would shift $20 billion in funding in the bill to say we are going to get serious. This is going to be a Manhattan-type project to find ways to continue to use our most abundant resource and do so without spoiling our environment.

There is research going on but not nearly enough. I can give you a couple of examples.

A Texas company came to see me. They are taking coal for electricity. They have a couple of small demonstration projects which burn coal to produce electricity. They are treating the effluent that comes from the plant chemically, and as it comes out of the plant, they are capturing the CO_2 and producing byproducts, including hydrogen, chloride, and baking soda. The baking soda contains CO_2. In fact, this company brought me some cookies and said these come from coal. They are making the point that, by capturing the CO_2 from a coal plant, you can end up with baking soda used for baking cookies. It is a clever way to describe that there are innovative ways to capture CO_2 and protect our environment, even as we use our most abundant domestic resource.

This photo is of single-cell pond scum, called algae. I was in Arizona recently and saw a demonstration plant that is producing algae by taking CO_2 off of a plant and putting it in greenhouses that produce algae. Algae is produced in water which need sunlight and CO_2 to grow. So it consumes CO_2 by producing algae, single celled pond

scum. It grows quickly, increasing its bulk in hours. They can harvest it for diesel fuel. So you actually capture the CO_2 and produce a beneficial use which is a biodiesel fuel. There are ways for us to do this.

My point is that if we are going to have a bill that works, you need to have dramatic funding commitment for research, development and demonstration up front. That was not the case with the pending bill. I know some will argue that it is. This is known as the kick-start fund for coal and is largely for demonstration and deployment. That is different from the massive need for additional research we need. We need a Manhattan Project to make these investments. That is a different kind of funding than the research and technology we need if we are going to decide that we are going to unlock the mystery and use our most abundant resource in the future. We continue to need investments in research and development as well as demonstration and deployment programs for coal to thrive in a carbon constrained world.

I am also a fan of wind energy, energy from the wind, for producing electricity. It makes sense. That doesn't contribute environmental problems like emitting greenhouse gases. Also, there is geothermal and biomass, the production of ethanol, and hopefully cellulosic ethanol in the future.

I was visited by Dr. Craig Venter the other day who is working to create microbes and bacteria that would essentially eat the coal or convert it into liquid fuels as it is being processed by these microbes while underground. That is pretty exciting. I also mentioned the other day that we are studying termites in the science area of our Government. These are the kinds of things people might ridicule. They say why are we spending all this money to study termites. Termites eat your house. When they eat wood, we understand now they produce methane gas, as a lot of living things do. We are trying to figure out what in the 200 microbes in the gut of a termite might allow them to eat your house. If we can figure out how to break down woody products, it is important in terms of producing future energy from cellulosic ethanol.

There is a lot to do. If we are going to be serious about climate change and global warming—and we should be, in my judgment—two things are necessary: One, we need to have kind of a Manhattan Project that in a very short period of time is going to find ways to dramatically increase the use of renewables. Second, we are going to dramatically accelerate our effort to determine how we can use coal and other fossil fuels and still protect our environment by capturing and sequestering carbon or providing a beneficial use of carbon. That is expensive, but we can get that done. That was the amendment I had, which would shift $20 billion to the front end of this to say: Let's do this in a serious manner.

I wanted to indicate that my vote on cloture earlier today should not diminish the work and effort and intent of others with respect to climate change. I think something is happening in our climate. Most of us believe we will be seeing climate change legislation passing through the Congress at some point in the near future—perhaps as early as next year. When it is done, it needs to be done in a manner that is reflective of all of strengths and resources of our country to move ahead in unison in doing the right thing in the right way.

PRICE OF GASOLINE

Mr. DORGAN. Mr. President, I spent part of this morning visiting with some experts about the issue of energy speculation and the price of gasoline. I am very concerned about the price of gasoline. I come from a State that not only produces a lot of energy but uses a lot of petroleum products. We are a farm State and a big State with a sparse population. North Dakota is spread over the equivalent of 10 Massachusettses in landmass. We use a lot of energy per capita. When the price does what it has been doing recently, it is very harmful to a rural State that does a lot of family farming and requires people to travel a lot because of its sheer size.

Here is what happened to oil prices in the last year: They have doubled. There is no justification for that—none. There is no justification for this at all. Get this, crude oil futures hit a record $139 per barrel today.

I used to teach a little economics in college—not in a serious way. I taught the supply and demand intersection and what happens to price. I understand all that. If we take a look at supply and demand, there is nothing that justifies what is happening in the futures market with respect to oil prices.

Now back up 14 months, in fact, to the time prior to the price of oil doubling and ask yourself what happened in this world. Were we oblivious then to the fact that India and China were going to want more fuel in their economies? I understand there are probably 150 million Chinese who want to drive cars. Where are they going to get the fuel? A lot of folks in India want to drive cars too. I understand all of that. These signals were already in the market 16 and 18 months ago. That is not different.

Here is also what I understand. Since the first part of this year, our inventories of petroleum stocks have been going up in this country and use has been going down. People are driving slightly less and using less. So what is happening to price? It has doubled.

I will tell you what I think is happening. On the oil commodity markets, we have a dramatic orgy of speculation and carnival of greed. Are all of the speculators who are neck deep in these markets there because they want oil or want to hold oil? Have they tried to lift a 42-gallon drum? I don't think so. They want to make money speculating. As a result all of this excess speculation, they are driving up the price of a commodity. That damages this country and injures most Americans.

This is what has happened to speculation. This Congress and this President have a responsibility to stop it. When excess speculation damages an economy, damages the country and its people, we have a responsibility to stop excess speculation.

This is a picture of NYMEX, where they trade commodities. Most people have seen pictures of the floor of a trading session like this. In fact, I think it was 80 years ago when Will Rogers talked about these guys buying things they will never get from people who never had it. At NYMEX, they trade futures contracts.

Let me describe what one fellow testified before the Energy Committee. By the way, he has had 30 or 35 years as an executive analyst in these markets. Fadel Gheit said this:

> There is absolutely no shortage of oil. I am absolutely convinced that oil prices shouldn't be a dime above $55 a barrel. I called it the world's largest gambling hall. It's open 24/7. Unfortunately, it is totally unregulated. This is like a highway with no cops and no speed limits, and everybody is going 120 miles an hour.

Mr. President, the New Jersey Star Ledger wrote:

> Experts, including the former head of ExxonMobil, say financial speculation in the energy markets has grown so much over the last 30 years that it now adds 20 to 30 percent to the cost of a barrel of oil.

The president of Marathon Oil, Clarence Cazalot, Jr., said:

> $100 oil isn't justified by the physical demand in the market.

Here is an oil executive saying this price isn't justified.

Stephen Simon, a senior vice president at Exxon, said on April 1, 2008:

> The price of oil should be about $50 to $55 per barrel.

Mr. President, how did we get here? On December 15, 2000, in this Chamber, one of our colleagues, Senator Gramm from Texas, stuck a little provision into the Commodity Futures Modernization Act which was included in a very big piece of legislation that was being enacted. I believe it was the Consolidated Appropriations Act of 2000, a large supplemental bill being done. That little provision changed everything. Prior to that time, prior to Senator Gramm from Texas putting this provision into law, every futures contract in this country was subject to regulation and oversight. Senator Gramm stuck a provision in a very big piece of legislation that said essentially certain commodity provisions need not be subject to regulation and oversight. Then it started. That was called the Enron loophole.

I know something about that because I chaired the hearings at which the late Ken Lay, the CEO and president of Enron Corporation, testified. He raised his hand, took an oath, sat down, and

then took the fifth amendment. He ran one of the biggest energy companies in this country. We found out that at least part of it was a criminal enterprise. It benefitted greatly by the actions of the Congress, and only a few in the Congress knew what they were trying to do. That created this loophole by which Enron and others down the road could create an energy market that was unregulated, outside of the view of regulators and of the grasp of regulators.

So now, going forward from December 15, 2000, to today, what is happening is that we have seen, outside of the purview of regulators, a dramatic amount, an obscene amount of speculation in energy markets.

I have met with experts who have said that there is no speculation here. Yesterday, I met with a person yesterday, someone who is an expert in this area and runs a major corporation, who said there is no speculation here. That is just wrong. That is false on its face. All one has to do is look at what is happening in these markets. Can anybody, anyplace, anytime, anywhere tell us that something has happened in the last 14 months in terms of the market fundamentals that justifies doubling the price of oil or gasoline? There is nothing that justifies that.

This Congress cannot sit around any longer. I know the President and the Vice President opposed responding to the electricity crisis out West when they first came to office. I recall when some of us in Congress were trying to take some action against what was happening to hijack wholesale electric prices on the West Coast by the Enron Corporation that they stood by idly. I and others pushed and pushed. The Federal Energy Regulatory Commission said there is nothing going on there. DICK CHENEY made fun of us, saying these markets are working, we just don't like markets. The President didn't want to do anything. We finally found out what was something illegal happening. Every day was criminal. They were manipulating supply in a criminal way, and there are people sitting in prison for it. Ken Lay died beforehand, but he was on his way to prison because it was a criminal enterprise he was conducting. And the Vice President was belittling those of us in Congress who were trying to do something about it. The Federal Energy Regulatory Commission was dead asleep, very content to do nothing.

That cannot continue to be replicated now. We have to do something to soak the speculation out of these futures markets. There needs to be a futures market for energy, I support that. There are legitimate hedging requirements, I understand that. There needs to be liquidity, I understand that. But when you have excessive speculation that damages this country and runs up the price of oil to double the price when, in fact, the market fundamentals do not justify it. Hedge funds, investment banks, and many others rush into these markets in order to make profits through speculation and the public be damned. It doesn't matter what it does to the country, then something is wrong, and it is the responsibility of the Congress to act. It is our responsibility and requirement. We cannot sit around and ignore this any longer.

I had a call from the owner of a trucking company in North Dakota the other day. They have been running a trucking firm for years. His dad ran it, and his family has been running it for four or five decades. He said: I don't think we can continue. We can't afford the price of diesel fuel.

I understand we have had 12 airlines that have gone into bankruptcy. I know of five in the last 6 or 8 weeks. The fact is, this country cannot exist without a vibrant aviation industry. We have to have airline companies that are able to move Americans back and forth across the country. The price of jet fuel is even worse than the description I just offered with respect to gasoline and oil.

We need to work on this issue in a very aggressive and urgent way, and we need to do something that shuts down this speculation. I indicated yesterday that I am working on legislation to try to do that and to try to make certain we have a completely regulated system with respect to the trading of these contracts.

First of all, they ought to be regulated. Some say that, if we try to regulate them here, they will move offshore. We ought to be able to regulate it. If you are in this country, you want to play games in the commodities markets as a speculator, if you are picking up a telephone and trade commodities in this country, as far as I am concerned, you ought to be regulated with respect to your order of commodities contract.

A lot of work is being done. As I said, I spent part of this morning with experts who understand the complexities and the vagaries of these commodity markets and especially the oil markets and the speculation that is occurring. I side with those who believe there is excessive speculation and that there is a requirement that we do something about it.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. NELSON of Florida. Mr. President, what is the parliamentary procedure we are in?

The PRESIDING OFFICER. The Senate is in a period of morning business.

Mr. NELSON of Florida. Mr. President, if I may be recognized.

The PRESIDING OFFICER. The Senator from Florida is recognized.

HIGH GAS PRICES

Mr. NELSON of Florida. Mr. President, we are getting ready to consider the gasoline bill next week and all its ramifications for the American public who are suffering under $4 and $4-plus gas.

A few days ago, this Senator showed a photograph of a town in north Florida, Madison, FL, in Madison County, downtown, the local Shell Oil station. Regular in the State of Florida, reflected in that photograph of a few days ago, was at $4.10 a gallon.

It goes without saying that our people are hurting. And I can tell you, having had 18 townhall meetings last week all over my State, that hurting has turned into frustration, and that frustration is turning into anger.

Now, there is a new poll out this week that reflects the increasing number of Americans who believe it is the supply and demand of oil that is driving these prices to record highs—just the supply and demand. We know we have a very tight world oil market, and we know places such as India and China in fact are consuming more oil, and their demand is higher. We understand that makes the world's oil markets all the more tight. And believe it or not, because of that, and because of this constant amount of information coming out from the oil sector about supply and demand creating the tight oil market, the American people are believing that is the cause of these record oil prices, believing that translates into these very high gasoline prices.

It is interesting because it is just at a time that the Senate has voted to close the so-called Enron loophole, which is perhaps the real culprit to blame in the shocking runup of the oil prices.

Now, what is the Enron loophole? Back in the year 2000, legislation was passed that exempted oil and metals from being regulated on the commodity futures exchange. That meant that as contracts for future purchase of oil and metals are being traded, there is no government oversight, no government regulation of how much those can go up. So as long as the participants bidding for those futures contracts continue to bid the price of those oil contracts higher and higher, in fact the price of that oil on the world market continues to go higher and higher, much over and above what normal supply and demand would cause the price to be.

This closing of that Enron loophole has just occurred. It is still in the works because even though it was added to the farm bill, the farm bill was vetoed by the President. The veto was then overridden and, therefore, it came into law immediately upon the override. Nevertheless, we found that we omitted a section of the farm bill, so we are going back and redoing that all over again. We just passed the farm bill again in its entirety in the Senate yesterday, last night. It does have the

Enron loophole closure in the bill. Presumably, that will be passed by the House, go down to the President for signature, he will veto it again, and then it will come back to both Houses for overriding, like we did before about 2 or 3 weeks ago, and the Enron loophole will be closed. There are a bunch of us, including this Senator, who were cosponsors of this provision. Hopefully, it is going to address this loophole.

But what happened in the past? It was enacted back in 2000—in December of 2000. I believe that loophole, when enacted, was exploited by energy traders. This is based on the mounting evidence that we see over and over. It is at least a partial cause of the huge runup in the gas prices.

Well, I think we need to do more on this Enron loophole. There have been some commentaries by some experts that say we should be closing it further. And if we need to do that, this Senator is certainly ready to do it. But right now what needs further examination is how we got to this point in the first place. How did this provision in law, leaving this huge hole big enough to drive a Mack truck through get to this point where it essentially exempted the trading of oil futures from Federal commodities regulation? How did that become the law of the land? What was the role of lobbyists and oil companies and investment banks and commodity speculators? We need answers to those questions.

We have seen through testimony to the Congress and from other reports that unchecked commodities trading plays a very significant role in rising gasoline prices. We know high gas prices are not merely a function of supply and demand in the marketplace. In fact, we ought to know this from several years ago.

A subcommittee, led by Senator CARL LEVIN of Michigan, found that supplies were mostly adequate, but it found something else was missing. What was the role that caused these prices to be jacked up? Just a few days ago, financier George Soros told our Senate Commerce Committee—in fact, just this past Tuesday—that a dramatic increase in commodities trading in recent years has contributed to the oil bubble and its ''harmful economic consequences.''

Indeed, loosely regulated speculators appear to have bid up oil prices to these unrealistic highs. There are also links between oil companies and investment banks in the oil futures trading. And this is what these reports are showing. The Senate investigations subcommittee, in a bipartisan way, under the leadership of Senator LEVIN, released a report finding that there was lax Federal oversight of oil and gas traders due to the loophole slipped into the law in 2000, and it was slipped in at the behest, according to the Levin report, of the now infamous Enron Corporation, along with oil companies and investment banks. That is according to the Levin report.

Other links between soaring oil prices and vast sums of money now flowing through these commodity markets were uncovered by a Homeland Security panel and our colleague, Independent-Democrat Senator JOE LIEBERMAN. In fact, a top oil executive for a major oil company recently testified before a House panel that crude oil, under normal supply and demand, ought to be around $55 a barrel, based on the rule of supply and demand. Yet last week it went up to $135, and it is somewhere in the $130-a-barrel range today.

Mr. President, I think those investigations into the cause of the runup of the price of oil ought to continue. An estimated one-third of the amount of the runup of the price of oil can be blamed on speculators having poured tens of billions of dollars into the unregulated energy commodities markets in the wake of that so-called Enron loophole that deregulated those commodities markets. In essence, the loophole exempted electronic trading of energy and metal by large traders—exempted them from Federal commodities regulation. Since then the price of oil and natural gas has skyrocketed, and that is all despite reports that the supplies are mostly adequate.

Next week we are going to try to take up legislation aimed at getting at this situation of high gas prices. This Senator intends to address this issue.

If, in fact, as that oil company executive said, supply and demand ought to cause oil to be trading at $55, why is it trading in excess of $130? What role do the unregulated commodities markets play, and how did that get into law? How much of that capital out there is flowing into that because those markets are unregulated, thereby driving up that price to what we have today?

We see one Federal agency that otherwise regulates futures trading has said it will investigate allegations of short-term manipulation of crude oil prices. The Commodity Futures Trading Commission also said it would work with British regulators to monitor large trades of crude oil by a London futures exchange known as ICE, Intercontinental Exchange. Some of the founding members of that intercontinental exchange, it has been reported, were instrumental in getting the Enron loophole through Congress back in the year 2000. It was ill-conceived public policy at best, and it should be reversed. Next week we are going to have a chance to do something about it because we have legislation on the price of gasoline coming to the Senate floor.

By having greater oversight and regulation on oil trading, we obviously have to go beyond that and look to our commitment to a comprehensive national energy policy. Fifty percent of the oil we use goes into transportation, and most of that is for our personal vehicles. So it should not take a rocket scientist to realize we must focus on conservation measures like 40 miles per gallon as a fleet average for our vehicles. We finally broke through and got through the Senate 35 miles per gallon phased in over the next 12 years. Maybe we ought to accelerate that.

We ought to look at providing bigger tax breaks for hybrid and plug-in hybrid vehicles. Ultimately, we must look to the research and development of electric and hydrogen-powered cars.

All of this is going to fall in the lap of the next President. The next President is going to have to urge us—and I hope we will support the next President—to enact a national energy program to transition us from gasoline to alternative, synthetic, and renewable fuels to power much of this economic engine of America.

President Kennedy led us on such a monumental task, and that was the task to escape the bonds of Earth within a decade, to go to the Moon, and return safely. We did that. We must act with the same urgency now. While we are at it, we are going to have to make ethanol from things that we do not eat. While we are at that, we are going to have to pay attention to how we power, not just our cars and trucks, but our homes and our industries.

We need to develop solar and wind and thermal energy and safe nuclear power. The world is begging for change. One of the most enormous changes that needs to be brought about is how we utilize and how we create energy and how we are going to utilize and create energy for the future. We have a chance to do that next week when we take up this legislation about the high price of gasoline.

I yield the floor.

IN REMEMBRANCE OF JAMES BYRD, JR.

Mr. SMITH. Mr. President, I rise today to remember a life that was untimely taken and to recall a horrific hate crime that shocked a nation. Ten years ago this week James Byrd, Jr., was dragged 3 miles—chained to the back of pickup truck—on a rural road in Jasper County, TX, to his death. It was said that a blood trail of body parts and personal effects stretched over 2 miles, with Byrd's severed head, right arm, and neck found almost a mile from where his tattered torso was discarded. Byrd's face had been spray painted black.

James Byrd was a victim of the cruelest form of racial intolerance. He was murdered for no other reason than for the color of his skin. To think that such a senseless crime could occur in the wake of so many of our Nation's civil rights milestones is disheartening. It is also a stark reminder that much work remains to be done in protecting minorities and ending intolerance.

No American should have to live in fear because of their sexual orientation, race, gender, national origin, or disability. As a nation, we cannot afford to become complacent. We must forever strive to reach the golden rings

of democracy—that is, equality, opportunity, freedom and tolerance. We must also remain vigilant and guard against individuals and groups that seek to marginalize and terrorize whole groups of individuals. That is why, as I have done many times before, I come to the floor to urge my colleagues to enact Federal hate crimes legislation this year. We must pass this legislation and send a message that crimes of intolerance and hate are especially deplorable.

The Government's first duty is to defend its citizens and to defend them against violence and harm associated with intolerance and hate. I have introduced legislation, the Matthew Shepard Act, with my colleague Senator TED KENNEDY, to ensure that the Government has all the resources necessary to investigate and prosecute hate-motivated crimes. The Matthew Shepard Act would better equip the Government to fulfill its most important obligation of protecting all of its citizens.

On this anniversary of the death of James Byrd, let us renew our Nation's commitment to protecting all Americans regardless of their sexual orientation, race, religion, national origin, gender, disability, or color by passing the Matthew Shepard Act.

PAKISTAN

Mr. FEINGOLD. Mr. President, during the Senate recess at the end of last month, I visited the central front in our Nation's fight against al-Qaida: Pakistan. During my 4-day stay, I met with a broad range of political officials from numerous parties, including the Pakistan People's Party of former Prime Minister Benazir Bhutto and the PLM–N of former Prime Minister Nawaz Sharif, as well as with President Pervez Musharraf, Pakistani intelligence officials, the ousted chief justice, and representatives of Pakistan's civil society. Outside of Islamabad, my visit included a trip to Peshawar, in the tumultuous Northwest Frontier Province, where I met with local officials, and Kashmir, where the United States has funded numerous successful humanitarian and development programs in the wake of the devastating 2005 earthquake.

The breadth of this trip was commensurate with the critical importance of Pakistan to our country's national security. Despite recent claims by CIA Director Michael Hayden that al-Qaida is now on the defensive, including in its safe haven in Pakistan, I traveled there because it is out of that country that we face our most serious national security threat. As the intelligence community has said again and again, the fight against al-Qaida begins in Pakistan. According to the State Department's 2007 terrorism report which was released this past April, al-Qaida and associated networks remain the greatest terrorist threat to the United States. That threat emanates from the reconstitution of some of al-Qaida's pre-9/11 capabilities ''through the exploitation of Pakistan's Federally Administered Tribal Areas.'' The report added that instability in Pakistan, ''coupled with the Islamabad brokered cease-fire agreement in effect for the first half of 2007 along the Pakistan-Afghanistan frontier, appeared to have provided AQ leadership greater mobility and ability to conduct training and operational planning, particularly that targeting Western Europe and the United States.''

During my visit, I conducted extensive discussions with Pakistani leaders about ceasefire negotiations, in the Federally Administered Tribal Areas, FATA, as well as in the Swat region of the NWFP. I remain skeptical about those negotiations and am particularly concerned that those in the FATA region will give al-Qaida room to plot against our troops in Afghanistan and our citizens here in the United States. The new civilian-led Government in Pakistan is seeking a different approach from that of President Musharraf, and that is understandable—it has, in fact, been mandated by the people of Pakistan, and it is high time they have a responsive government that heeds their call. A key part of this new approach will require success in reining in the military apparatus, which has historically controlled much of Pakistan's foreign policy—sometimes overtly with a military dictator running the country and other times more discreetly from behind a screen of a civilian-led government. But as Pakistan's new Government seeks to reconcile these complex, multilayered issues, it must not do so at the expense of the grave threats emanating from the border region. We must address those threats head-on because what happens in the terrorist safe haven of FATA is central to our national security, and we cannot afford to be distracted or complacent. To do so would be to the detriment of our safety and security as well as that of our friends and allies.

At the same time, any long-term counterterrorism strategy in the FATA must include serious economic reforms, legal political party development, and initiatives to integrate FATA with the rest of Pakistan. This will not be easy, but it is long overdue and will help ensure we are using all the tools at our disposal to fight al-Qaida and associated terrorist threats. The growing extremism and creation of a terrorist safe haven in FATA has emerged out of decades of political marginalization and ensuing poverty. In working closely with the FATA political agents and local law enforcement, as well as the Government of Pakistan, we need to help create sustainable development strategies that provide opportunities for engagement while ensuring sufficient financial resources are allocated to those in need now and in the years to come.

This must include not only traditional development projects but institution building and political engagement in a region long deprived of such opportunities. The people of the FATA must have alternative livelihood options that help facilitate opposition to terrorists and extremists.

At the same time, we must find Osama Bin Laden and his senior leaders, and we must work to neutralize forces that plot or carry out attacks against Americans. But that cannot be our only goal. This fight runs much deeper than a simple manhunt—if we are serious about countering al-Qaida, and preventing another Bin Laden from emerging, we must shift our assistance to be more aligned with the needs of the local population and expand our development assistance throughout a country where poverty and anti-Western sentiment are pervasive.

This administration's policies toward Pakistan have been highly damaging to our long-term national security. By embracing and relying on a single, unpopular, antidemocratic leader—namely, President Musharraf—President Bush failed to develop a comprehensive counterterrorism strategy that transcends individuals. He also encouraged Pakistanis to be skeptical about American intentions and principles. The recent elections provide a window of opportunity as the people of Pakistan soundly rejected President Musharraf's leadership in favor of political parties that promised a new direction. Although domestic politics remain fragile, we have an opportunity to reverse our history of neglect and mixed signals by expanding our relationships and supporting fundamental democratic institutions instead of one strong man—something the President may still be reluctant to do. We must do this so that our counterterrorism partnership can withstand the ups and downs of Pakistan's domestic politics, reflecting a more wide-ranging approach that does not ratchet up the already high levels of anti-American sentiment in that country.

Any enduring counterterrorism partnership must recognize that Pakistan, despite the coups and military dictatorships that have marred its history, has a democratic tradition, a vibrant civil society, and a large and educated middle class whose interests and values frequently coincide with ours. By working with those Pakistanis and supporting their desire to promote democracy, human rights, and the rule of law, we align ourselves with the moderate forces that are critical to the fight against extremism. Supporting the Pakistani people as they seek to strengthen democratic institutions is not just an outgrowth of our values—it is in our national security interests. The counterterrorism efforts we need from Islamabad must be serious and sustained in a way that only democratic processes can ensure.

For these reasons, I have been deeply disappointed by the Bush administration's failure to condemn the illegal dismissal of the chief justice of Pakistan and scores of other judges and its

refusal to call for their reinstatement. The ousting of the judges has become a cause célèbre for Pakistan's civil society. It prompted the creation of a ''Lawyers' Movement''—a moderate, democratic uprising that Americans should embrace. During my time in Pakistan, I visited with the chief justice and shortly thereafter called for the judges to be reinstated because it is a clear violation of the basic tenets of the rule of law. I was asked whether I had made such a call in support of a particular political party and whether I also sought the removal of President Musharraf. I responded that those are issues for the Pakistanis to determine, and I continue to believe that is the case. Indeed, while the political landscape in Pakistan remains turbulent and fragile, I have no intention of meddling in domestic affairs. Nonetheless, it is unacceptable for the United States to sit back in the face of such fundamentally undemocratic actions. We cannot be selective in the democratic principles we support—that is not consistent with our values, and it is shortsighted in terms of our national security.

Mr. President, the emergence of a new civilian leadership in Pakistan provides an opening for us to develop a new approach—a new relationship—that includes a sustainable, comprehensive counterterrorism partnership. We must seize this opportunity because, despite a great deal of anti-American sentiment, in many areas the Pakistanis are ready and willing to work with us. This is not to say that this process will be free from challenges—there are already serious hurdles that must be dealt with, including negotiations in the FATA and NWFP, both of which are cause for concern. In the end, we must recognize that the new leadership reflects a broad cross-section of Pakistan, and by fully engaging them, we can take an important step toward defending our national security interests in the central front in the fight against al-Qaida.

FREIGHT RAIL INDUSTRY

Mr. VOINOVICH. Mr. President, I rise today to address the impact the freight rail industry has on reducing our greenhouse gas emissions. According to a recent Department of Transportation study, freight traffic is expected to increase 67 percent by 2020—against a backdrop of concerns about global climate change, the stringency of clean air standards, increased traffic congestion, high energy prices, and the need for greater energy independence. Freight rail is the most energy efficient and environmentally friendly mode of land transportation. Today, freight rail can move a ton of freight 436 miles on a single gallon of diesel. U.S. freight railroads have significantly reduced their carbon intensity and fuel efficiency. In 1980, 1 gallon of diesel fuel moved 1 ton of freight by rail an average of 235 miles. In 2007, the same amount of fuel moved 1 ton of freight by rail an average of 436 miles roughly equivalent to the distance from Boston to Baltimore and an 80-percent increase over 1980. Depending upon the type of cargo being transported and the number of cars, a single freight train is capable of being as productive as 500 trucks.

I am pleased that CSX is working with Ohio, Virginia, North Carolina, West Virginia, and Pennsylvania on the National Gateway. The National Gateway is a plan to create a more efficient rail route linking Mid-Atlantic ports with midwestern markets, improving the flow of rail traffic between these regions by increasing the use of double-stack trains. This public-private partnership will upgrade tracks, equipment and facilities, and provide clearance allowing double-stack intermodal trains.

The National Gateway proposes preparing three major rail corridors for double-stack clearance: I–95 corridor between North Carolina and Baltimore, MD, via Washington, DC; I–70/I–76 corridor between Washington, DC, and northwest Ohio via Pittsburgh, PA; and Carolina corridor between Wilmington, NC and Charlotte, NC. The result will be thousands of new jobs, improved railway reliability, and the diversion of heavy trucks from crowded highways leading to reduced emissions and highway maintenance costs and improved road safety.

Since the I–70/I–76 corridor between Washington, DC, and northwest Ohio is a highly traveled route, it is well-located to become an efficient link between the east coast and midwestern markets. Expansion of rail infrastructure in Columbus, OH, and North Baltimore, OH, will help alleviate some of the freight congestion in the Chicago, Cincinnati and Cleveland areas. The National Gateway project would build a new rail terminal in North Baltimore, OH, and expand intermodal capacity in Columbus, creating thousands of new jobs. I look forward to working with the Virginia, North Carolina, West Virginia, and Pennsylvania delegations to make this partnership a reality.

ADDITIONAL STATEMENTS

TRIBUTE TO KELLY CONE AND LISA SCHWARTZ

• Mr. ISAKSON. Mr. President, last month, I was contacted by SFC John Cone and CPT David Schwartz, both forward deployed in Iraq at Tactical Psychological Operations headquarters. For each of these soldiers, this is their second deployment in support of the global war on terror. While both of these soldiers are dedicated and decorated servicemembers as well as public servants serving as civilian law enforcement officers at home, I want to honor in the RECORD of the Senate today their devoted and compassionate spouses back home.

Prior to their deployment in January 2008 with the 310th Tactical Psychological Operations Company, Detachment 1620 at Fort Gillem, their spouses, Kelly Cone and Lisa Schwartz, established a family readiness group to help support the deployed soldiers and their families back home. While Mrs. Cone and Mrs. Schwartz are both caring and devoted mothers at home with many other responsibilities, they took it upon themselves to create a Web page for their Family Readiness Group and began conducting regular information meetings and monthly ''coffee chat'' sessions with the families and spouses of the deployed soldiers.

These sessions not only kept the families inspired but also kept them informed regarding the details surrounding the deployment of their loved ones. Attendance has been high and the families receptive, each of the members providing input and assistance as needed. I was simply amazed to learn of all of their efforts and accomplishments in keeping the information channels and support networks fully functioning. For example, the Family Readiness Group recently mobilized to assist one of its members, a young woman who had gone into labor, and helped coordinate the redeployment of her husband from Iraq.

These two determined spouses did not stop with their Family Readiness Group efforts alone and have set about to aid in the establishment of a Family Readiness Group for the remainder of the 310th Company, set to deploy in the summer of 2009. They will host a Family Day in August to bring the new and old members together.

Mrs. Cone and Mrs. Schwartz serve as shining examples of today's Army spouses. Today's military spouses understand and seek to support their loved ones who have been called up and deployed into harm's way. It is my hope that the efforts of Kelly Cone and Lisa Schwartz will serve as a model for other families with deployed loved ones. It gives me a great deal of pleasure and it is a privilege to recognize on the Senate floor these dedicated and loving spouses for their outstanding efforts, patriotism, and selfless achievements.•

CONGRATULATING ALAN F. HARRE ON HIS RETIREMENT

• Mr. LUGAR. Mr. President, today I wish to extend my heartfelt congratulations to Alan Harre on the occasion of his retirement from the presidency of Valparaiso University in Valparaiso, IN.

I have known Alan for many years and have greatly valued his insightful guidance. He is a man of singular character and faith whose leadership has been an important cornerstone for Valparaiso University and the community in which it resides since his arrival there in 1988.

As the University's 17th president, Dr. Harre has overseen an exciting two

decades of growth and expansion on campus. With his support a center for the arts was built, as was the Kade-Duesenberg German House and Cultural Center, the Christopher Center for Library and Information Resources, and the Kallay-Christopher Hall. In addition, several renovation and structural expansion projects owe their success to Dr. Harre's commitment and vision toward making Valparaiso a world-class collegiate environment.

But perhaps President Harre's most impressive achievements have very little to do with mere brick and mortar building projects. They include a considerable expansion of the university's nationally ranked graduate programs, greater enrollment of minorities and international students, the establishment of 11 endowed chairs and professorships to attract and retain high caliber instructors, and technological upgrades that offer students 21st century tools and skill-sets.

While President Harre will be dearly missed back in Valparaiso, I am confident that the legacy he leaves behind will continue to be a great boon for this lauded institution of learning. I wish Alan every success as he pursues new challenges and adventures.●

CONGRATULATIONS TO SHAWNEE MISSION NORTH NAVAL JUNIOR RESERVE OFFICER TRAINING CORPS

● Mr. ROBERTS. Mr. President, I wish today to recognize the Naval Junior Reserve Officer Training Corps, NJROTC, of Shawnee Mission North High School in Overland Park, KS, for their outstanding performance in the 2008 NJROTC Nationals competition. For 3 consecutive years, the Shawnee Mission North NJROTC, under the leadership and guidance of Chief Warrant Officer 4 Dennis C. Grayless, USMC (Ret) and Chief Petty Officer Christopher W. Neven, USN (Ret), has qualified to compete in the prestigious NJROTC National Academic, Athletic and Drill Championship hosted by the Navy League of the United States at the Pensacola Naval Air Station, Pensacola, FL. The NJROTC Nationals, or ''Navy Nationals'' as it is affectionately referred to by the participants, is the most comprehensive test of overall JROTC training and performance in existence today. The Nation's finest NJROTC units from each of the 11 Navy Areas participate in this two-day academic, athletic, and drill competition. There is no competition in JROTC that provides a more comprehensive test of program quality.

Earlier this year, the Shawnee Mission North team was recognized as the Area 9 Most Outstanding Unit after sweeping the NJROTC Area 9 Championship Drill Team Competition. The team placed first in armed exhibition, unarmed exhibition, armed regulation, unarmed regulation, push-ups, curl-ups/sit-ups and in the 16 x 100 shuttle relay. While they placed second in the competition for Color Guard, 8 x 200 oval relay, academics, and personnel inspection. As 2008 Area 9 Regional Champion, the team qualified to return to the Navy Nationals for the third consecutive year.

At the 2008 national competition, the Shawnee Mission North team placed first in the Nation in the Armed Regulation Drill and finished seventh in the overall competition. Cadet Dylan Warnick received individual honors by finishing third in the Nation in the male curl-up/sit-up competition by completing 320 cadenced curl-ups/sit-ups in 5 minutes. Cadet Bethany Krzesinski received individual honors by finishing sixth in the Nation in the female curl-up/sit up competition by completing 268 cadenced curl-ups/sit-ups in 5 minutes. While Cadet Michael Hoffman received individual honors by tying for fifth in the Nation in the male push-up competition by completing 114 cadenced push-ups in 5 minutes.

As reflected in the success achieved by the Shawnee Mission North NJROTC unit, it is apparent the breadth and depth of commitment, dedication, hard work, resolve and motivation each member of this team possesses. The Shawnee Mission North NJROTC unit has been recognized as a Naval Honor Unit (1992–1999), a Naval Distinguished Unit (2000, 2007, 2008), recipient of the Unit Achievement Award (2003), a Chief of Naval Education and Training Unit (1988, 1989), the 2007 National Academic, Athletic and Drill Champions, and the 2008 Area 9 Most Outstanding Unit. Five of its graduating cadets have enlisted into the U.S. Armed Forces; one has been awarded an NROTC scholarship to attend Purdue University; and two cadets from the junior class have been accepted into the 2008 summer semester at the U.S. Naval Academy, Annapolis, MD.

Mr. President, I ask my distinguished colleagues in the Senate to join me in recognizing and congratulating the Shawnee Mission North Naval Junior Reserve Officer Training Corps 2008 National Championship Team: Sara Atwood, Michael Barr, Jessie Biggs, Andrew Boyce, Amiee Busch, Robert Byrd, Matthew Carlyon, Bryan Chapple, Faith Cole, Amanda Fuller, Tyler Gearin, Darrell Hayes, Joshua Hoffman, Michael Hoffman, Alisyn Katsantones, Stacey Kennedy, Bethany Krzesinski, Lauren Lawson, Megan Lawson, Shelby McIntosh, Justin Manford, Kyle Middaugh, Timothy Oehlert, Philip Park, Brandon Patrick, Aaron Patterson, Jeremy Payne, Jersey Payne, Devin Root, Niklas Rueter, Djourdan Stephens, Aliana Swiercinsky, Brandon Ware, Dylan Warnick, Gregory Wynn, and Rachel Yearsley.●

TRIBUTE TO HENRY AND HOMER MONTGOMERY

● Mr. SESSIONS. Mr. President, I wish today, June 6, 2008, the 64th anniversary of the Allied Powers' invasion of Normandy, to pay tribute to Henry and Homer Montgomery, two brothers who answered their Nation's call to duty. These brothers, like so many of their peers, gave up the comforts of home to go to an unfamiliar land to fight in defense of our Nation.

Henry Montgomery, now 92, hit the beach at Normandy on June 7, 1944. He served in the European theater as an artilleryman and motorcycle courier, walking much of the way between Normandy and Berlin. This journey of nearly 1,000 miles was so arduous that when he arrived in Berlin, he was medically discharged and returned to our shores on a hospital ship.

Homer Montgomery, now 82, served in the Pacific theater toward the end of World War II halfway around the world from his brother. He was a Military Police officer who served through the end of the war.

The contributions made by these two brothers are an excellent example of the sacrifices made by our greatest generation. They were able to see our nation and our allies emerge from the war victorious and return home unlike so many of their brothers in arms. Their commitment to this struggle and that of their comrades was critical to securing our liberties, and our nation is forever indebted to them.

And so, Mr. President I am honored to pay tribute to these two great American patriots. May they greatly enjoy the freedom they have secured for all of us.●

MESSAGE FROM THE HOUSE

At 11:26 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3021. An act to direct the Secretary of Education to make grants to State educational agencies for the modernization, renovation, or repair of public school facilities, and for other purposes.

H.R. 5540. An act to amend the Chesapeake Bay Initiative Act of 1998 to provide for the continuing authorization of the Chesapeake Bay Gateways and Watertrails Network.

H.R. 5940. An act to authorize activities for support of nanotechnology research and development, and for other purposes.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 5940. An act to authorize activities for support of nanotechnology research and development, and for other purposes; to the Committee on Commerce, Science, and Transportation.

MEASURES PLACED ON THE CALENDAR

The following joint resolution was read the second time, and placed on the calendar:

H.J. Res. 92. Official Title Not Available

MEASURES READ THE FIRST TIME

The following bills were read the first time:

S. 3098. A bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

S. 3101. A bill to amend titles XVIII and XIX of the Social Security Act to extend expiring provisions under the Medicare program, to improve beneficiary access to preventive and mental health services, to enhance low-income benefit programs, and to maintain access to care in rural areas, including pharmacy access, and for other purposes.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of a nomination was submitted:

By Mr. ROCKEFELLER for the Select Committee on Intelligence.

*Michael E. Leiter, of the District of Columbia, to be Director of the National Counterterrorism Center, Office of the Director of National Intelligence.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

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. BINGAMAN (for himself and Mr. DOMENICI):

S. 3096. A bill to amend the National Cave and Karst Research Institute Act of 1998 to authorize appropriations for the National Cave and Karst Research Institute; to the Committee on Energy and Natural Resources.

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

S. 3097. A bill to amend the Vietnam Education Foundation Act of 2000; to the Committee on Foreign Relations.

By Mr. MCCONNELL (for himself, Mr. KYL, Mr. GRASSLEY, Mr. HATCH, and Mr. ROBERTS):

S. 3098. A bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; read the first time.

By Mr. KERRY (for himself, Mr. MENENDEZ, Mr. DORGAN, and Mr. LAUTENBERG):

S. 3099. A bill to prohibit the use of funds by the Department of Defense for propaganda purposes within the United States not otherwise specifically authorized by law; to the Committee on Armed Services.

By Mr. NELSON of Florida:

S. 3100. A bill to require early voting in Federal elections, to prohibit restrictions on absentee voting in Federal elections, to establish a grant program to promote voting by mail, and for other purposes; to the Committee on Rules and Administration.

By Mr. BAUCUS (for himself, Ms. SNOWE, Mr. ROCKEFELLER, and Mr. SMITH):

S. 3101. A bill to amend titles XVIII and XIX of the Social Security Act to extend expiring provisions under the Medicare program, to improve beneficiary access to preventive and mental health services, to enhance low-income benefit programs, and to maintain access to care in rural areas, including pharmacy access, and for other purposes; read the first time.

By Mr. NELSON of Florida:

S.J. Res. 39. A joint resolution proposing an amendment to the Constitution of the United States to abolish the electoral college and to provide for the direct popular election of the President and Vice President of the United States; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HATCH (for himself, Mrs. FEINSTEIN, Mr. BARRASSO, Mrs. BOXER, Mr. BENNETT, Mr. LEVIN, Mr. COLEMAN, Mr. LIEBERMAN, Mr. KYL, Ms. COLLINS, Mr. ISAKSON, Mr. SPECTER, and Mr. VOINOVICH):

S. Res. 588. A resolution honoring Dr. Feng Shan Ho, a man of great courage and humanity, who saved the lives of thousands of Austrian Jews between 1938 and 1940; considered and agreed to.

ADDITIONAL COSPONSORS

S. 1492

At the request of Mr. INOUYE, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1492, a bill to improve the quality of federal and state data regarding the availability and quality of broadband services and to promote the deployment of affordable broadband services to all parts of the Nation.

S. 1906

At the request of Mr. BAUCUS, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 1906, a bill to understand and comprehensively address the oral health problems associated with methamphetamine use.

S. 2035

At the request of Mr. SPECTER, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 2035, a bill to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media.

S. 2504

At the request of Mr. NELSON of Florida, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 2504, a bill to amend title 36, United States Code, to grant a Federal charter to the Military Officers Association of America, and for other purposes.

S. 2760

At the request of Mr. LEAHY, the name of the Senator from New Hampshire (Mr. SUNUNU) 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. 2795

At the request of Mr. DURBIN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 2795, a bill to amend the Public Health Service Act to establish a nationwide health insurance purchasing pool for small businesses and the self employed that would offer a choice of private health plans and make health coverage more affordable, predictable, and accessible.

S. 2885

At the request of Ms. SNOWE, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2885, a bill to amend the Internal Revenue Code of 1986 to expand the availability of industrial development bonds to facilities manufacturing intangible property.

S. 2928

At the request of Mr. SCHUMER, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 2928, a bill to ban bisphenol A in children's products.

S. 3005

At the request of Mr. MENENDEZ, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 3005, a bill to require the Secretary of Homeland Security to establish procedures for the timely and effective delivery of medical and mental health care to all immigration detainees in custody, and for other purposes.

S. 3012

At the request of Mr. LEAHY, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 3012, a bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to extend the authorization of the Bulletproof Vest Partnership Grant Program through fiscal year 2012.

S. 3038

At the request of Mr. GRASSLEY, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 3038, a bill to amend part E of title IV of the Social Security Act to extend the adoption incentives program, to authorize States to establish a relative guardianship program, to promote the adoption of children with special needs, and for other purposes.

S. 3095

At the request of Mr. BAUCUS, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 3095, a bill to amend title XVIII of the Social Security Act to expand the Medicare Rural Hospital Flexibility Program to increase the delivery of mental health services and other health services to veterans of Operation Enduring Freedom and Operation

Iraqi Freedom and to other residents of rural areas, and for other purposes.

S.J. RES. 37

At the request of Mrs. FEINSTEIN, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of 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.

S. CON. RES. 80

At the request of Mr. THUNE, his name was added as a cosponsor of S. Con. Res. 80, a concurrent resolution urging the President to designate a National Airborne Day in recognition of persons who are serving or have served in the airborne forces of the Armed Services.

S. RES. 580

At the request of Mr. BAYH, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. Res. 580, a resolution expressing the sense of the Senate on preventing Iran from acquiring a nuclear weapons capability.

AMENDMENT NO. 4823

At the request of Mr. LIEBERMAN, his name was added as a cosponsor of amendment No. 4823 intended to be proposed 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.

AMENDMENT NO. 4836

At the request of Mr. LIEBERMAN, his name was added as a cosponsor of amendment No. 4836 intended to be proposed 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.

AMENDMENT NO. 4844

At the request of Mr. LIEBERMAN, his name was added as a cosponsor of amendment No. 4844 intended to be proposed 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.

AMENDMENT NO. 4857

At the request of Mr. LIEBERMAN, his name was added as a cosponsor of amendment No. 4857 intended to be proposed 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.

AMENDMENT NO. 4867

At the request of Mr. LIEBERMAN, his name was added as a cosponsor of amendment No. 4867 intended to be proposed 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.

AMENDMENT NO. 4871

At the request of Mr. LAUTENBERG, the names of the Senator from Washington (Ms. CANTWELL) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of amendment No. 4871 intended to be proposed 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.

AMENDMENT NO. 4877

At the request of Mr. LIEBERMAN, his name was added as a cosponsor of amendment No. 4877 intended to be proposed 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.

AMENDMENT NO. 4900

At the request of Mr. LIEBERMAN, his name was added as a cosponsor of amendment No. 4900 intended to be proposed 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.

AMENDMENT NO. 4901

At the request of Mr. LIEBERMAN, his name was added as a cosponsor of amendment No. 4901 intended to be proposed 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.

AMENDMENT NO. 4929

At the request of Mr. LIEBERMAN, his name was added as a cosponsor of amendment No. 4929 intended to be proposed 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.

AMENDMENT NO. 4935

At the request of Mr. LIEBERMAN, his name was added as a cosponsor of amendment No. 4935 intended to be proposed 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.

AMENDMENT NO. 4937

At the request of Mr. LIEBERMAN, his name was added as a cosponsor of amendment No. 4937 intended to be proposed 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.

AMENDMENT NO. 4940

At the request of Mr. LIEBERMAN, his name was added as a cosponsor of amendment No. 4940 intended to be proposed 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.

AMENDMENT NO. 4949

At the request of Mr. LIEBERMAN, his name was added as a cosponsor of amendment No. 4949 intended to be proposed 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.

AMENDMENT NO. 4952

At the request of Mr. LIEBERMAN, his name was added as a cosponsor of amendment No. 4952 intended to be proposed 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.

AMENDMENT NO. 4955

At the request of Mr. LIEBERMAN, his name was added as a cosponsor of amendment No. 4955 intended to be proposed 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.

AMENDMENT NO. 4968

At the request of Mr. LIEBERMAN, his name was added as a cosponsor of amendment No. 4968 intended to be proposed 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.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MCCONNELL (for himself, Mr. KYL, Mr. GRASSLEY, Mr. HATCH, and Mr. ROBERTS):

S. 3098. A bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; read the first time.

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

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

S. 3098

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

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Alternative Minimum Tax and Extenders Tax Relief Act of 2008''.

(b) AMENDMENT OF 1986 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 the Internal Revenue Code of 1986.

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

Sec. 1. Short title; amendment of 1986 Code; table of contents.

TITLE I—ALTERNATIVE MINIMUM TAX RELIEF

Sec. 101. Extension of alternative minimum tax relief for nonrefundable personal credits.

Sec. 102. Extension of increased alternative minimum tax exemption amount.

TITLE II—INDIVIDUAL TAX PROVISIONS
Sec. 201. Deduction for State and local sales taxes.
Sec. 202. Deduction of qualified tuition and related expenses.
Sec. 203. Deduction for certain expenses of elementary and secondary school teachers.
Sec. 204. Tax-free distributions from individual retirement plans for charitable purposes.
Sec. 205. Treatment of certain dividends of regulated investment companies.
Sec. 206. Stock in RIC for purposes of determining estates of nonresidents not citizens.
Sec. 207. Qualified investment entities.
TITLE III—BUSINESS TAX PROVISIONS
Sec. 301. Extension and modification of research credit.
Sec. 302. New markets tax credit.
Sec. 303. Subpart F exception for active financing income.
Sec. 304. Extension of look-thru rule for related controlled foreign corporations.
Sec. 305. Extension of 15-year straight-line cost recovery for qualified leasehold improvements and qualified restaurant improvements.
Sec. 306. Enhanced charitable deduction for contributions of food inventory.
Sec. 307. Extension of enhanced charitable deduction for contributions of book inventory.
Sec. 308. Modification of tax treatment of certain payments to controlling exempt organizations.
Sec. 309. Basis adjustment to stock of S corporations making charitable contributions of property.
Sec. 310. Increase in limit on cover over of rum excise tax to Puerto Rico and the Virgin Islands.
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Sec. 701. Permanent authority for undercover operations.
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TITLE I—ALTERNATIVE MINIMUM TAX RELIEF

SEC. 101. EXTENSION OF ALTERNATIVE MINIMUM TAX RELIEF FOR NONREFUNDABLE PERSONAL CREDITS.

(a) IN GENERAL.—Paragraph (2) of section 26(a) (relating to special rule for taxable years 2000 through 2007) is amended—

(1) by striking ''or 2007'' and inserting ''2007, or 2008'', and

(2) by striking ''2007'' in the heading thereof and inserting ''2008''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 102. EXTENSION OF INCREASED ALTERNATIVE MINIMUM TAX EXEMPTION AMOUNT.

(a) IN GENERAL.—Paragraph (1) of section 55(d) (relating to exemption amount) is amended—

(1) by striking ''($66,250 in the case of taxable years beginning in 2007)'' in subparagraph (A) and inserting ''($69,950 in the case of taxable years beginning in 2008)'', and

(2) by striking ''($44,350 in the case of taxable years beginning in 2007)'' in subparagraph (B) and inserting ''($46,200 in the case of taxable years beginning in 2008)''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

TITLE II—INDIVIDUAL TAX PROVISIONS

SEC. 201. DEDUCTION FOR STATE AND LOCAL SALES TAXES.

(a) IN GENERAL.—Subparagraph (I) of section 164(b)(5) is amended by striking ''January 1, 2008'' and inserting ''January 1, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 202. DEDUCTION OF QUALIFIED TUITION AND RELATED EXPENSES.

(a) IN GENERAL.—Subsection (e) of section 222 (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 203. DEDUCTION FOR CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.

(a) IN GENERAL.—Subparagraph (D) of section 62(a)(2) (relating to certain expenses of elementary and secondary school teachers) is amended by striking ''or 2007'' and inserting ''2007, 2008, or 2009''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2007.

SEC. 204. TAX-FREE DISTRIBUTIONS FROM INDIVIDUAL RETIREMENT PLANS FOR CHARITABLE PURPOSES.

(a) IN GENERAL.—Subparagraph (F) of section 408(d)(8) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions made in taxable years beginning after December 31, 2007.

SEC. 205. TREATMENT OF CERTAIN DIVIDENDS OF REGULATED INVESTMENT COMPANIES.

(a) INTEREST-RELATED DIVIDENDS.—Subparagraph (C) of section 871(k)(1) (defining interest-related dividend) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) SHORT-TERM CAPITAL GAIN DIVIDENDS.—Subparagraph (C) of section 871(k)(2) (defining short-term capital gain dividend) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to dividends with respect to taxable years of regulated investment companies beginning after December 31, 2007.

SEC. 206. STOCK IN RIC FOR PURPOSES OF DETERMINING ESTATES OF NONRESIDENTS NOT CITIZENS.

(a) IN GENERAL.—Paragraph (3) of section 2105(d) (relating to stock in a RIC) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to decedents dying after December 31, 2007.

SEC. 207. QUALIFIED INVESTMENT ENTITIES.

(a) IN GENERAL.—Clause (ii) of section 897(h)(4)(A) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 2008.

TITLE III—BUSINESS TAX PROVISIONS

SEC. 301. EXTENSION AND MODIFICATION OF RESEARCH CREDIT.

(a) EXTENSION.—Section 41(h) (relating to termination) is amended—

(1) by striking ''December 31, 2007'' and inserting ''December 31, 2009'' in paragraph (1)(B),

(2) by redesignating paragraph (2) as paragraph (3), and

(3) by inserting after paragraph (1) the following new paragraph:

''(2) TERMINATION OF ALTERNATIVE INCREMENTAL CREDIT.—No election under subsection (c)(4) shall apply to amounts paid or incurred after December 31, 2007.''.

(b) MODIFICATION OF ALTERNATIVE SIMPLIFIED CREDIT.—Paragraph (5)(A) of section 41(c) (relating to election of alternative simplified credit) is amended to read as follows:

''(A) IN GENERAL.—

''(i) CALCULATION OF CREDIT.—At the election of the taxpayer, the credit determined under subsection (a)(1) shall be equal to the applicable percentage (as defined in clause (ii)) of so much of the qualified research expenses for the taxable year as exceeds 50 percent of the average qualified research expenses for the 3 taxable years preceding the

taxable year for which the credit is being determined.

''(ii) APPLICABLE PERCENTAGE.—For purposes of the calculation under clause (i), the applicable percentage is—

''(I) 14 percent, in the case of taxable years ending before January 1, 2009, and

''(II) 16 percent, in the case of taxable years beginning after December 31, 2008.''.

(c) CONFORMING AMENDMENT.—Subparagraph (D) of section 45C(b)(1) (relating to special rule) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(d) TECHNICAL CORRECTION.—Paragraph (3) of section 41(h) is amended to read as follows:

''(2) COMPUTATION FOR TAXABLE YEAR IN WHICH CREDIT TERMINATES.—In the case of any taxable year with respect to which this section applies to a number of days which is less than the total number of days in such taxable year—

''(A) the amount determined under subsection (c)(1)(B) with respect to such taxable year shall be the amount which bears the same ratio to such amount (determined without regard to this paragraph) as the number of days in such taxable year to which this section applies bears to the total number of days in such taxable year, and

''(B) for purposes of subsection (c)(5), the average qualified research expenses for the preceding 3 taxable years shall be the amount which bears the same ratio to such average qualified research expenses (determined without regard to this paragraph) as the number of days in such taxable year to which this section applies bears to the total number of days in such taxable year.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred after December 31, 2007.

SEC. 302. NEW MARKETS TAX CREDIT.

Subparagraph (D) of section 45D(f)(1) (relating to national limitation on amount of investments designated) is amended by striking ''and 2008'' and inserting ''2008, and 2009''.

SEC. 303. SUBPART F EXCEPTION FOR ACTIVE FINANCING INCOME.

(a) EXEMPT INSURANCE INCOME.—Paragraph (10) of section 953(e) (relating to application) is amended—

(1) by striking ''January 1, 2009'' and inserting ''January 1, 2010'', and

(2) by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(b) EXCEPTION TO TREATMENT AS FOREIGN PERSONAL HOLDING COMPANY INCOME.—Paragraph (9) of section 954(h) (relating to application) is amended by striking ''January 1, 2009'' and inserting ''January 1, 2010''.

SEC. 304. EXTENSION OF LOOK-THRU RULE FOR RELATED CONTROLLED FOREIGN CORPORATIONS.

(a) IN GENERAL.—Subparagraph (B) of section 954(c)(6) (relating to application) is amended by striking ''January 1, 2009'' and inserting ''January 1, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2007, and to taxable years of United States shareholders with or within which such taxable years of foreign corporations end.

SEC. 305. EXTENSION OF 15-YEAR STRAIGHT-LINE COST RECOVERY FOR QUALIFIED LEASEHOLD IMPROVEMENTS AND QUALIFIED RESTAURANT IMPROVEMENTS.

(a) IN GENERAL.—Clauses (iv) and (v) of section 168(e)(3)(E) (relating to 15-year property) are each amended by striking ''January 1, 2008'' and inserting ''January 1, 2010''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2007.

SEC. 306. ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF FOOD INVENTORY.

(a) IN GENERAL.—Clause (iv) of section 170(e)(3)(C) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made after December 31, 2007.

SEC. 307. EXTENSION OF ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF BOOK INVENTORY.

(a) EXTENSION.—Clause (iv) of section 170(e)(3)(D) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) CLERICAL AMENDMENT.—Clause (iii) of section 170(e)(3)(D) (relating to certification by donee) is amended by inserting ''of books'' after ''to any contribution''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made after December 31, 2007.

SEC. 308. MODIFICATION OF TAX TREATMENT OF CERTAIN PAYMENTS TO CONTROLLING EXEMPT ORGANIZATIONS.

(a) IN GENERAL.—Clause (iv) of section 512(b)(13)(E) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments received or accrued after December 31, 2007.

SEC. 309. BASIS ADJUSTMENT TO STOCK OF S CORPORATIONS MAKING CHARITABLE CONTRIBUTIONS OF PROPERTY.

(a) IN GENERAL.—The last sentence of section 1367(a)(2) (relating to decreases in basis) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made in taxable years beginning after December 31, 2007.

SEC. 310. INCREASE IN LIMIT ON COVER OVER OF RUM EXCISE TAX TO PUERTO RICO AND THE VIRGIN ISLANDS.

(a) IN GENERAL.—Paragraph (1) of section 7652(f) is amended by striking ''January 1, 2008'' and inserting ''January 1, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distilled spirits brought into the United States after December 31, 2007.

SEC. 311. EXTENSION OF ECONOMIC DEVELOPMENT CREDIT FOR AMERICAN SAMOA.

(a) IN GENERAL.—Subsection (d) of section 119 of division A of the Tax Relief and Health Care Act of 2006 is amended—

(1) by striking ''first two taxable years'' and inserting ''first 4 taxable years'', and

(2) by striking ''January 1, 2008'' and inserting ''January 1, 2010''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 312. EXTENSION OF MINE RESCUE TEAM TRAINING CREDIT.

Section 45N(e) (relating to termination) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

SEC. 313. EXTENSION OF ELECTION TO EXPENSE ADVANCED MINE SAFETY EQUIPMENT.

Section 179E(g) (relating to termination) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

SEC. 314. EXTENSION OF EXPENSING RULES FOR QUALIFIED FILM AND TELEVISION PRODUCTIONS.

Section 181(f) (relating to termination) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

SEC. 315. DEDUCTION ALLOWABLE WITH RESPECT TO INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION ACTIVITIES IN PUERTO RICO.

(a) IN GENERAL.—Subparagraph (C) of section 199(d)(8) (relating to termination) is amended—

(1) by striking ''first 2 taxable years'' and inserting ''first 4 taxable years'', and

(2) by striking ''January 1, 2008'' and inserting ''January 1, 2010''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 316. EXTENSION OF QUALIFIED ZONE ACADEMY BONDS.

(a) IN GENERAL.—Paragraph (1) of section 1397E(e) is amended by striking ''and 2007'' and inserting ''2007, 2008, and 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to obligations issued after the date of the enactment of this Act.

SEC. 317. INDIAN EMPLOYMENT CREDIT.

(a) IN GENERAL.—Subsection (f) of section 45A (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 318. ACCELERATED DEPRECIATION FOR BUSINESS PROPERTY ON INDIAN RESERVATION.

(a) IN GENERAL.—Paragraph (8) of section 168(j) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2007.

SEC. 319. RAILROAD TRACK MAINTENANCE.

(a) IN GENERAL.—Subsection (f) of section 45G (relating to application of section) is amended by striking ''January 1, 2008'' and inserting ''January 1, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenditures paid or incurred during taxable years beginning after December 31, 2007.

SEC. 320. SEVEN-YEAR COST RECOVERY PERIOD FOR MOTORSPORTS RACING TRACK FACILITY.

(a) IN GENERAL.—Subparagraph (D) of section 168(i)(15) (relating to termination) is amended to read as follows:

''(D) APPLICATION OF PARAGRAPH.—Such term shall apply to property placed in service after the date of the enactment of the Alternative Minimum Tax and Extenders Tax Relief Act of 2008 and before January 1, 2010.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after the date of the enactment of this Act.

SEC. 321. EXPENSING OF ENVIRONMENTAL REMEDIATION COSTS.

(a) IN GENERAL.—Subsection (h) of section 198 (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenditures paid or incurred after December 31, 2007.

SEC. 322. EXTENSION OF WORK OPPORTUNITY TAX CREDIT FOR HURRICANE KATRINA EMPLOYEES.

(a) IN GENERAL.—Paragraph (1) of section 201(b) of the Katrina Emergency Tax Relief Act of 2005 is amended by striking ''2-year'' and inserting ''4-year''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to individuals hired after August 27, 2007.

TITLE IV—EXTENSION OF CLEAN ENERGY PRODUCTION INCENTIVES

SEC. 401. EXTENSION AND MODIFICATION OF RENEWABLE ENERGY PRODUCTION TAX CREDIT.

(a) EXTENSION OF CREDIT.—Each of the following provisions of section 45(d) (relating to qualified facilities) is amended by striking ''January 1, 2009'' and inserting ''January 1, 2010'':

(1) Paragraph (1).

(2) Clauses (i) and (ii) of paragraph (2)(A).

(3) Clauses (i)(I) and (ii) of paragraph (3)(A).

(4) Paragraph (4).

(5) Paragraph (5).

(6) Paragraph (6).

(7) Paragraph (7).

(8) Paragraph (8).

(9) Subparagraphs (A) and (B) of paragraph (9).

(b) PRODUCTION CREDIT FOR ELECTRICITY PRODUCED FROM MARINE RENEWABLES.—

(1) IN GENERAL.—Paragraph (1) of section 45(c) (relating to resources) is amended by striking ''and'' at the end of subparagraph (G), by striking the period at the end of subparagraph (H) and inserting '', and'', and by adding at the end the following new subparagraph:

''(I) marine and hydrokinetic renewable energy.''.

(2) MARINE RENEWABLES.—Subsection (c) of section 45 is amended by adding at the end the following new paragraph:

''(10) MARINE AND HYDROKINETIC RENEWABLE ENERGY.—

''(A) IN GENERAL.—The term 'marine and hydrokinetic renewable energy' means energy derived from—

''(i) waves, tides, and currents in oceans, estuaries, and tidal areas,

''(ii) free flowing water in rivers, lakes, and streams,

''(iii) free flowing water in an irrigation system, canal, or other man-made channel, including projects that utilize nonmechanical structures to accelerate the flow of water for electric power production purposes, or

''(iv) differentials in ocean temperature (ocean thermal energy conversion).

''(B) EXCEPTIONS.—Such term shall not include any energy which is derived from any source which utilizes a dam, diversionary structure (except as provided in subparagraph (A)(iii)), or impoundment for electric power production purposes.''.

(3) DEFINITION OF FACILITY.—Subsection (d) of section 45 is amended by adding at the end the following new paragraph:

''(11) MARINE AND HYDROKINETIC RENEWABLE ENERGY FACILITIES.—In the case of a facility producing electricity from marine and hydrokinetic renewable energy, the term 'qualified facility' means any facility owned by the taxpayer—

''(A) which has a nameplate capacity rating of at least 150 kilowatts, and

''(B) which is originally placed in service on or after the date of the enactment of this paragraph and before January 1, 2010.''.

(4) CREDIT RATE.—Subparagraph (A) of section 45(b)(4) is amended by striking ''or (9)'' and inserting ''(9), or (11)''.

(5) COORDINATION WITH SMALL IRRIGATION POWER.—Paragraph (5) of section 45(d), as amended by subsection (a), is amended by striking ''January 1, 2010'' and inserting ''the date of the enactment of paragraph (11)''.

(c) SALES OF ELECTRICITY TO REGULATED PUBLIC UTILITIES TREATED AS SALES TO UNRELATED PERSONS.—Section 45(e)(4) (relating to related persons) is amended by adding at the end the following new sentence: ''A taxpayer shall be treated as selling electricity to an unrelated person if such electricity is sold to a regulated public utility (as defined in section 7701(a)(33)).''.

(d) TRASH FACILITY CLARIFICATION.—Paragraph (7) of section 45(d) is amended—

(1) by striking ''facility which burns'' and inserting ''facility (other than a facility described in paragraph (6)) which uses'', and

(2) by striking ''COMBUSTION''.

(e) EFFECTIVE DATES.—

(1) EXTENSION.—The amendments made by subsection (a) shall apply to property originally placed in service after December 31, 2008.

(2) MODIFICATIONS.—The amendments made by subsections (b) and (c) shall apply to electricity produced and sold after the date of the enactment of this Act, in taxable years ending after such date.

(3) TRASH FACILITY CLARIFICATION.—The amendments made by subsection (d) shall apply to electricity produced and sold before, on, or after December 31, 2007.

SEC. 402. EXTENSION AND MODIFICATION OF SOLAR ENERGY AND FUEL CELL INVESTMENT TAX CREDIT.

(a) EXTENSION OF CREDIT.—

(1) SOLAR ENERGY PROPERTY.—Paragraphs (2)(A)(i)(II) and (3)(A)(ii) of section 48(a) (relating to energy credit) are each amended by striking ''January 1, 2009'' and inserting ''January 1, 2017''.

(2) FUEL CELL PROPERTY.—Subparagraph (E) of section 48(c)(1) (relating to qualified fuel cell property) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2016''.

(3) QUALIFIED MICROTURBINE PROPERTY.—Subparagraph (E) of section 48(c)(2) (relating to qualified microturbine property) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2016''.

(b) ALLOWANCE OF ENERGY CREDIT AGAINST ALTERNATIVE MINIMUM TAX.—Subparagraph (B) of section 38(c)(4) (relating to specified credits) is amended by striking ''and'' at the end of clause (iii), by striking the period at the end of clause (iv) and inserting '', and'', and by adding at the end the following new clause:

''(v) the credit determined under section 46 to the extent that such credit is attributable to the energy credit determined under section 48.''.

(c) REPEAL OF DOLLAR PER KILOWATT LIMITATION FOR FUEL CELL PROPERTY.—

(1) IN GENERAL.—Section 48(c)(1) (relating to qualified fuel cell), as amended by subsection (a)(2), is amended by striking subparagraph (B) and by redesignating subparagraphs (C), (D), and (E) as subparagraphs (B), (C), and (D), respectively.

(2) CONFORMING AMENDMENT.—Section 48(a)(1) is amended by striking ''paragraphs (1)(B) and (2)(B) of subsection (c)'' and inserting ''subsection (c)(2)(B)''.

(d) PUBLIC ELECTRIC UTILITY PROPERTY TAKEN INTO ACCOUNT.—

(1) IN GENERAL.—Paragraph (3) of section 48(a) is amended by striking the second sentence thereof.

(2) CONFORMING AMENDMENTS.—

(A) Paragraph (1) of section 48(c), as amended by this section, is amended by striking subparagraph (C) and redesignating subparagraph (D) as subparagraph (C).

(B) Paragraph (2) of section 48(c), as amended by subsection (a)(3), is amended by striking subparagraph (D) and redesignating subparagraph (E) as subparagraph (D).

(e) EFFECTIVE DATES.—

(1) EXTENSION.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act.

(2) ALLOWANCE AGAINST ALTERNATIVE MINIMUM TAX.—The amendments made by subsection (b) shall apply to credits determined under section 46 of the Internal Revenue Code of 1986 in taxable years beginning after the date of the enactment of this Act and to carrybacks of such credits.

(3) FUEL CELL PROPERTY AND PUBLIC ELECTRIC UTILITY PROPERTY.—The amendments made by subsections (c) and (d) shall apply to periods after the date of the enactment of this Act, in taxable years ending after such date, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. 403. EXTENSION AND MODIFICATION OF RESIDENTIAL ENERGY EFFICIENT PROPERTY CREDIT.

(a) EXTENSION.—Section 25D(g) (relating to termination) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(b) NO DOLLAR LIMITATION FOR CREDIT FOR SOLAR ELECTRIC PROPERTY.—

(1) IN GENERAL.—Section 25D(b)(1) (relating to maximum credit) is amended by striking subparagraph (A) and by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively.

(2) CONFORMING AMENDMENTS.—Section 25D(e)(4) is amended—

(A) by striking clause (i) in subparagraph (A),

(B) by redesignating clauses (ii) and (iii) in subparagraph (A) as clauses (i) and (ii), respectively, and

(C) by striking '', (2),'' in subparagraph (C).

(c) CREDIT ALLOWED AGAINST ALTERNATIVE MINIMUM TAX.—

(1) IN GENERAL.—Subsection (c) of section 25D is amended to read as follows:

''(c) LIMITATION BASED ON AMOUNT OF TAX; CARRYFORWARD OF UNUSED CREDIT.—

''(1) LIMITATION BASED ON AMOUNT OF TAX.—In the case of a taxable year to which section 26(a)(2) does not apply, the credit allowed under subsection (a) for the taxable year shall not exceed the excess of—

''(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

''(B) the sum of the credits allowable under this subpart (other than this section) and section 27 for the taxable year.

''(2) CARRYFORWARD OF UNUSED CREDIT.—

''(A) RULE FOR YEARS IN WHICH ALL PERSONAL CREDITS ALLOWED AGAINST REGULAR AND ALTERNATIVE MINIMUM TAX.—In the case of a taxable year to which section 26(a)(2) applies, if the credit allowable under subsection (a) exceeds the limitation imposed by section 26(a)(2) for such taxable year reduced by the sum of the credits allowable under this subpart (other than this section), such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such succeeding taxable year.

''(B) RULE FOR OTHER YEARS.—In the case of a taxable year to which section 26(a)(2) does not apply, if the credit allowable under subsection (a) exceeds the limitation imposed by paragraph (1) for such taxable year, such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such succeeding taxable year.''.

(2) CONFORMING AMENDMENTS.—

(A) Section 23(b)(4)(B) is amended by inserting ''and section 25D'' after ''this section''.

(B) Section 24(b)(3)(B) is amended by striking ''and 25B'' and inserting '', 25B, and 25D''.

(C) Section 25B(g)(2) is amended by striking ''section 23'' and inserting ''sections 23 and 25D''.

(D) Section 26(a)(1) is amended by striking ''and 25B'' and inserting ''25B, and 25D''.

(d) EFFECTIVE DATE.—

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

(2) APPLICATION OF EGTRRA SUNSET.—The amendments made by subparagraphs (A) and (B) of subsection (c)(2) shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 in the same manner as the provisions of such Act to which such amendments relate.

SEC. 404. EXTENSION AND MODIFICATION OF CREDIT FOR CLEAN RENEWABLE ENERGY BONDS.

(a) EXTENSION.—Section 54(m) (relating to termination) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(b) INCREASE IN NATIONAL LIMITATION.—Section 54(f) (relating to limitation on amount of bonds designated) is amended—

(1) by inserting '', and for the period beginning after the date of the enactment of the Clean Energy Tax Stimulus Act of 2008 and ending before January 1, 2010, $400,000,000'' after ''$1,200,000,000'' in paragraph (1),

(2) by striking ''$750,000,000 of the'' in paragraph (2) and inserting ''$750,000,000 of the $1,200,000,000'', and

(3) by striking ''bodies'' in paragraph (2) and inserting ''bodies, and except that the Secretary may not allocate more than ⅓ of the $400,000,000 national clean renewable energy bond limitation to finance qualified projects of qualified borrowers which are public power providers nor more than ⅓ of such limitation to finance qualified projects of qualified borrowers which are mutual or cooperative electric companies described in section 501(c)(12) or section 1381(a)(2)(C)''.

(c) PUBLIC POWER PROVIDERS DEFINED.—Section 54(j) is amended—

(1) by adding at the end the following new paragraph:

''(6) PUBLIC POWER PROVIDER.—The term 'public power provider' means a State utility with a service obligation, as such terms are defined in section 217 of the Federal Power Act (as in effect on the date of the enactment of this paragraph).'', and

(2) by inserting ''; PUBLIC POWER PROVIDER'' before the period at the end of the heading.

(d) TECHNICAL AMENDMENT.—The third sentence of section 54(e)(2) is amended by striking ''subsection (l)(6)'' and inserting ''subsection (l)(5)''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act.

SEC. 405. EXTENSION OF SPECIAL RULE TO IMPLEMENT FERC RESTRUCTURING POLICY.

(a) QUALIFYING ELECTRIC TRANSMISSION TRANSACTION.—

(1) IN GENERAL.—Section 451(i)(3) (defining qualifying electric transmission transaction) is amended by striking ''January 1, 2008'' and inserting ''January 1, 2010''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to transactions after December 31, 2007.

(b) INDEPENDENT TRANSMISSION COMPANY.—

(1) IN GENERAL.—Section 451(i)(4)(B)(ii) (defining independent transmission company) is amended by striking ''December 31, 2007'' and inserting ''the date which is 2 years after the date of such transaction''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect as if included in the amendments made by section 909 of the American Jobs Creation Act of 2004.

TITLE V—EXTENSION OF INCENTIVES TO IMPROVE ENERGY EFFICIENCY

SEC. 501. EXTENSION AND MODIFICATION OF CREDIT FOR ENERGY EFFICIENCY IMPROVEMENTS TO EXISTING HOMES.

(a) EXTENSION OF CREDIT.—Section 25C(g) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) QUALIFIED BIOMASS FUEL PROPERTY.—

(1) IN GENERAL.—Section 25C(d)(3) is amended—

(A) by striking ''and'' at the end of subparagraph (D),

(B) by striking the period at the end of subparagraph (E) and inserting '', and'', and

(C) by adding at the end the following new subparagraph:

''(F) a stove which uses the burning of biomass fuel to heat a dwelling unit located in the United States and used as a residence by the taxpayer, or to heat water for use in such a dwelling unit, and which has a thermal efficiency rating of at least 75 percent.''.

(2) BIOMASS FUEL.—Section 25C(d) (relating to residential energy property expenditures) is amended by adding at the end the following new paragraph:

''(6) BIOMASS FUEL.—The term 'biomass fuel' means any plant-derived fuel available on a renewable or recurring basis, including agricultural crops and trees, wood and wood waste and residues (including wood pellets), plants (including aquatic plants), grasses, residues, and fibers.''.

(c) MODIFICATIONS OF STANDARDS FOR ENERGY-EFFICIENT BUILDING PROPERTY.—

(1) ELECTRIC HEAT PUMPS.—Subparagraph (B) of section 25C(d)(3) is amended to read as follows:

''(A) an electric heat pump which achieves the highest efficiency tier established by the Consortium for Energy Efficiency, as in effect on January 1, 2008.''.

(2) CENTRAL AIR CONDITIONERS.—Section 25C(d)(3)(D) is amended by striking ''2006'' and inserting ''2008''.

(3) WATER HEATERS.—Subparagraph (E) of section 25C(d) is amended to read as follows:

''(E) a natural gas, propane, or oil water heater which has either an energy factor of at least 0.80 or a thermal efficiency of at least 90 percent.''.

(4) OIL FURNACES AND HOT WATER BOILERS.—Paragraph (4) of section 25C(d) is amended to read as follows:

''(4) QUALIFIED NATURAL GAS, PROPANE, AND OIL FURNACES AND HOT WATER BOILERS.—

''(A) QUALIFIED NATURAL GAS FURNACE.—The term 'qualified natural gas furnace' means any natural gas furnace which achieves an annual fuel utilization efficiency rate of not less than 95.

''(B) QUALIFIED NATURAL GAS HOT WATER BOILER.—The term 'qualified natural gas hot water boiler' means any natural gas hot water boiler which achieves an annual fuel utilization efficiency rate of not less than 90.

''(C) QUALIFIED PROPANE FURNACE.—The term 'qualified propane furnace' means any propane furnace which achieves an annual fuel utilization efficiency rate of not less than 95.

''(D) QUALIFIED PROPANE HOT WATER BOILER.—The term 'qualified propane hot water boiler' means any propane hot water boiler which achieves an annual fuel utilization efficiency rate of not less than 90.

''(E) QUALIFIED OIL FURNACES.—The term 'qualified oil furnace' means any oil furnace which achieves an annual fuel utilization efficiency rate of not less than 90.

''(F) QUALIFIED OIL HOT WATER BOILER.—The term 'qualified oil hot water boiler' means any oil hot water boiler which achieves an annual fuel utilization efficiency rate of not less than 90.''.

(d) EFFECTIVE DATE.—The amendments made this section shall apply to expenditures made after December 31, 2007.

SEC. 502. EXTENSION AND MODIFICATION OF TAX CREDIT FOR ENERGY EFFICIENT NEW HOMES.

(a) EXTENSION OF CREDIT.—Subsection (g) of section 45L (relating to termination) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2010''.

(b) ALLOWANCE FOR CONTRACTOR'S PERSONAL RESIDENCE.—Subparagraph (B) of section 45L(a)(1) is amended to read as follows:

''(B)(i) acquired by a person from such eligible contractor and used by any person as a residence during the taxable year, or

''(ii) used by such eligible contractor as a residence during the taxable year.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to homes acquired after December 31, 2008.

SEC. 503. EXTENSION AND MODIFICATION OF ENERGY EFFICIENT COMMERCIAL BUILDINGS DEDUCTION.

(a) EXTENSION.—Section 179D(h) (relating to termination) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(b) ADJUSTMENT OF MAXIMUM DEDUCTION AMOUNT.—

(1) IN GENERAL.—Subparagraph (A) of section 179D(b)(1) (relating to maximum amount of deduction) is amended by striking ''$1.80'' and inserting ''$2.25''.

(2) PARTIAL ALLOWANCE.—Paragraph (1) of section 179D(d) is amended—

(A) by striking ''$.60'' and inserting ''$0.75'', and

(B) by striking ''$1.80'' and inserting ''$2.25''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

SEC. 504. MODIFICATION AND EXTENSION OF ENERGY EFFICIENT APPLIANCE CREDIT FOR APPLIANCES PRODUCED AFTER 2007.

(a) IN GENERAL.—Subsection (b) of section 45M (relating to applicable amount) is amended to read as follows:

''(b) APPLICABLE AMOUNT.—For purposes of subsection (a)—

''(1) DISHWASHERS.—The applicable amount is—

''(A) $45 in the case of a dishwasher which is manufactured in calendar year 2008 or 2009 and which uses no more than 324 kilowatt hours per year and 5.8 gallons per cycle, and

''(B) $75 in the case of a dishwasher which is manufactured in calendar year 2008, 2009, or 2010 and which uses no more than 307 kilowatt hours per year and 5.0 gallons per cycle (5.5 gallons per cycle for dishwashers designed for greater than 12 place settings).

''(2) CLOTHES WASHERS.—The applicable amount is—

''(A) $75 in the case of a residential top-loading clothes washer manufactured in calendar year 2008 which meets or exceeds a 1.72 modified energy factor and does not exceed a 8.0 water consumption factor,

''(B) $125 in the case of a residential top-loading clothes washer manufactured in calendar year 2008 or 2009 which meets or exceeds a 1.8 modified energy factor and does not exceed a 7.5 water consumption factor,

''(C) $150 in the case of a residential or commercial clothes washer manufactured in calendar year 2008, 2009, or 2010 which meets or exceeds 2.0 modified energy factor and does not exceed a 6.0 water consumption factor, and

''(D) $250 in the case of a residential or commercial clothes washer manufactured in calendar year 2008, 2009, or 2010 which meets or exceeds 2.2 modified energy factor and does not exceed a 4.5 water consumption factor.

''(3) REFRIGERATORS.—The applicable amount is—

''(A) $50 in the case of a refrigerator which is manufactured in calendar year 2008, and consumes at least 20 percent but not more than 22.9 percent less kilowatt hours per year than the 2001 energy conservation standards,

''(B) $75 in the case of a refrigerator which is manufactured in calendar year 2008 or 2009, and consumes at least 23 percent but no more than 24.9 percent less kilowatt hours per year than the 2001 energy conservation standards,

''(C) $100 in the case of a refrigerator which is manufactured in calendar year 2008, 2009, or 2010, and consumes at least 25 percent but not more than 29.9 percent less kilowatt hours per year than the 2001 energy conservation standards, and

''(D) $200 in the case of a refrigerator manufactured in calendar year 2008, 2009, or 2010 and which consumes at least 30 percent less energy than the 2001 energy conservation standards.''.

(b) ELIGIBLE PRODUCTION.—

(1) SIMILAR TREATMENT FOR ALL APPLIANCES.—Subsection (c) of section 45M (relating to eligible production) is amended—

(A) by striking paragraph (2),

(B) by striking ''(1) IN GENERAL'' and all that follows through ''the eligible'' and inserting ''The eligible'', and

(C) by moving the text of such subsection in line with the subsection heading and redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively.

(2) MODIFICATION OF BASE PERIOD.—Paragraph (2) of section 45M(c), as amended by paragraph (1) of this section, is amended by striking ''3-calendar year'' and inserting ''2-calendar year''.

(c) TYPES OF ENERGY EFFICIENT APPLIANCES.—Subsection (d) of section 45M (defining types of energy efficient appliances) is amended to read as follows:

''(d) TYPES OF ENERGY EFFICIENT APPLIANCE.—For purposes of this section, the types of energy efficient appliances are—

''(1) dishwashers described in subsection (b)(1),

''(2) clothes washers described in subsection (b)(2), and

''(3) refrigerators described in subsection (b)(3).''.

(d) AGGREGATE CREDIT AMOUNT ALLOWED.—

(1) INCREASE IN LIMIT.—Paragraph (1) of section 45M(e) (relating to aggregate credit amount allowed) is amended to read as follows:

''(1) AGGREGATE CREDIT AMOUNT ALLOWED.—The aggregate amount of credit allowed under subsection (a) with respect to a taxpayer for any taxable year shall not exceed $75,000,000 reduced by the amount of the credit allowed under subsection (a) to the taxpayer (or any predecessor) for all prior taxable years beginning after December 31, 2007.''.

(2) EXCEPTION FOR CERTAIN REFRIGERATOR AND CLOTHES WASHERS.—Paragraph (2) of section 45M(e) is amended to read as follows:

''(2) AMOUNT ALLOWED FOR CERTAIN REFRIGERATORS AND CLOTHES WASHERS.—Refrigerators described in subsection (b)(3)(D) and clothes washers described in subsection (b)(2)(D) shall not be taken into account under paragraph (1).''.

(e) QUALIFIED ENERGY EFFICIENT APPLIANCES.—

(1) IN GENERAL.—Paragraph (1) of section 45M(f) (defining qualified energy efficient appliance) is amended to read as follows:

''(1) QUALIFIED ENERGY EFFICIENT APPLIANCE.—The term 'qualified energy efficient appliance' means—

''(A) any dishwasher described in subsection (b)(1),

''(B) any clothes washer described in subsection (b)(2), and

''(C) any refrigerator described in subsection (b)(3).''.

(2) CLOTHES WASHER.—Section 45M(f)(3) (defining clothes washer) is amended by inserting ''commercial'' before ''residential'' the second place it appears.

(3) TOP-LOADING CLOTHES WASHER.—Subsection (f) of section 45M (relating to definitions) is amended by redesignating paragraphs (4), (5), (6), and (7) as paragraphs (5), (6), (7), and (8), respectively, and by inserting after paragraph (3) the following new paragraph:

''(4) TOP-LOADING CLOTHES WASHER.—The term 'top-loading clothes washer' means a clothes washer which has the clothes container compartment access located on the top of the machine and which operates on a vertical axis.''.

(4) REPLACEMENT OF ENERGY FACTOR.—Section 45M(f)(6), as redesignated by paragraph (3), is amended to read as follows:

''(6) MODIFIED ENERGY FACTOR.—The term 'modified energy factor' means the modified energy factor established by the Department of Energy for compliance with the Federal energy conservation standard.''.

(5) GALLONS PER CYCLE; WATER CONSUMPTION FACTOR.—Section 45M(f) (relating to definitions), as amended by paragraph (3), is amended by adding at the end the following:

''(9) GALLONS PER CYCLE.—The term 'gallons per cycle' means, with respect to a dishwasher, the amount of water, expressed in gallons, required to complete a normal cycle of a dishwasher.

''(10) WATER CONSUMPTION FACTOR.—The term 'water consumption factor' means, with respect to a clothes washer, the quotient of the total weighted per-cycle water consumption divided by the cubic foot (or liter) capacity of the clothes washer.''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to appliances produced after December 31, 2007.

TITLE VI—EXTENSION OF ALTERNATIVE FUELS AND MARGINAL PRODUCTION

SEC. 601. PERCENTAGE DEPLETION FOR MARGINAL WELL PRODUCTION.

(a) IN GENERAL.—Section 613A(c)(6)(H) (relating to temporary suspension of taxable income limit with respect to marginal production) is amended by striking ''January 1, 2008'' and inserting ''January 1, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 602. CREDITS FOR BIODIESEL AND RENEWABLE DIESEL.

(a) IN GENERAL.—Sections 40A(g), 6426(c)(6), and 6427(e)(5)(B) are each amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel produced, and sold or used, after December 31, 2008.

SEC. 603. CREDIT FOR ALTERNATIVE FUELS.

(a) IN GENERAL.—Sections 6426(d)(4), 6426(e)(3), and 6427(e)(5)(C) are each amended by striking ''September 30, 2009'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel produced, and sold or used, after September 30, 2009.

TITLE VII—TAX ADMINISTRATION

SEC. 701. PERMANENT AUTHORITY FOR UNDERCOVER OPERATIONS.

(a) IN GENERAL.—Section 7608(c) (relating to rules relating to undercover operations) is amended by striking paragraph (6).

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to operations conducted after the date of the enactment of this Act.

SEC. 702. PERMANENT DISCLOSURES OF CERTAIN TAX RETURN INFORMATION.

(a) DISCLOSURES TO FACILITATE COMBINED EMPLOYMENT TAX REPORTING.—

(1) IN GENERAL.—Section 6103(d)(5) (relating to disclosure for combined employment tax reporting) is amended—

(A) by striking ''REPORTING'' in the heading thereof and all that follows through ''The Secretary'' in subparagraph (A) and inserting ''REPORTING.—The Secretary'', and

(B) by striking subparagraph (B).

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to disclosures after the date of the enactment of this Act.

(b) DISCLOSURES RELATING TO CERTAIN PROGRAMS ADMINISTERED BY THE DEPARTMENT OF VETERANS AFFAIRS.—

(1) IN GENERAL.—Section 6103(l)(7)(D) (relating to programs to which rule applies) is amended by striking the last sentence.

(2) TECHNICAL AMENDMENT.—Section 6103(l)(7)(D)(viii)(III) is amended by striking ''sections 1710(a)(1)(I), 1710(a)(2), 1710(b), and 1712(a)(2)(B)'' and inserting ''sections 1710(a)(2)(G), 1710(a)(3), and 1710(b)''.

SEC. 703. DISCLOSURE OF INFORMATION RELATING TO TERRORIST ACTIVITIES.

(a) DISCLOSURE OF RETURN INFORMATION TO APPRISE APPROPRIATE OFFICIALS OF TERRORIST ACTIVITIES.—Clause (iv) of section 6103(i)(3)(C) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) DISCLOSURE UPON REQUEST OF INFORMATION RELATING TO TERRORIST ACTIVITIES.—Subparagraph (E) of section 6103(i)(7) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to disclosures after the date of the enactment of this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 588—HONORING DR. FENG SHAN HO, A MAN OF GREAT COURAGE AND HUMANITY, WHO SAVED THE LIVES OF THOUSANDS OF AUSTRIAN JEWS BETWEEN 1938 AND 1940

Mr. HATCH (for himself, Mrs. FEINSTEIN, Mr. BARRASSO, Mrs. BOXER, Mr. BENNETT, Mr. LEVIN, Mr. COLEMAN, Mr. LIEBERMAN, Mr. KYL, Ms. COLLINS, Mr. ISAKSON, Mr. SPECTER, and Mr. VOINOVICH) submitted the following resolution; which was considered and agreed to:

S. RES. 588

Whereas, at great personal risk and sacrifice, Dr. Feng Shan Ho authorized the issuance of Chinese visas to Jewish persons so they could emigrate from Austria and escape the horrors of the Holocaust;

Whereas it is necessary to honor Dr. Ho posthumously because, in the ultimate demonstration of selfless humanitarianism, Dr. Ho never sought recognition for his courageous actions;

Whereas 70 years ago, Adolf Hitler's troops crossed into Austria and announced the Anschluss (the annexation of Austria to Germany), thereby applying all anti-Semitic decrees to Austrian Jews;

Whereas the Nazis brutally persecuted more than 200,000 Austrian Jews, by forcibly

segregating them, depriving them of their citizenship and livelihoods, and interning them in concentration camps;

Whereas the fierceness of the persecution in Austria became the model for the future persecution of Jews in other Nazi-conquered territories;

Whereas the Nazis initially assumed a policy of coerced expulsion, with the goal of eventually removing all Jewish persons from Europe;

Whereas most other foreign consulates, although besieged by desperate Jews, offered no help;

Whereas a young Chinese diplomat in Vienna, Dr. Feng Shan Ho, refused to stand by and witness the destruction of innocent human beings, and authorized the issuance of visas for all Jews who asked;

Whereas word spread quickly and Jewish persons formed long lines in front of the Chinese Consulate to obtain the lifesaving visas;

Whereas the Chinese ambassador in Berlin ordered Dr. Ho to stop authorizing visas for Jews, but Dr. Ho nevertheless continued, at risk to his career, to prepare the visas;

Whereas in 1939, the Nazis confiscated the Chinese Consulate building, on the grounds that it was a Jewish-owned building;

Whereas, when the Chinese government refused funds to relocate the Consulate, Dr. Ho reopened the Consulate in another building and personally paid all the expenses;

Whereas in May 1940, Dr. Ho left Vienna, having authorized visas for thousands of Austrian Jews;

Whereas after 4 decades in diplomatic service to China, in 1973, Dr. Ho moved to the United States to join his children;

Whereas Dr. Ho became a United States citizen and lived in San Francisco until September 28, 1997, when he passed away at the age of 96;

Whereas the world only knows of Dr. Ho's courageous actions because of a chance discovery among his diplomatic papers after his death, and the full extent of Dr. Ho's heroism is still being uncovered; and

Whereas in 2000, the State of Israel posthumously made Dr. Ho an honorary citizen of Israel and granted him one of Israel's highest honors, the title of Righteous Among the Nations, ''for his humanitarian courage in issuing Chinese visas to Jews in Vienna in spite of orders from his superior to the contrary'': Now, therefore, be it

Resolved, That the Senate—

(1) honors and salutes the great courage and humanity of Dr. Feng Shan Ho for acting at great personal risk to issue Chinese visas to Jews in Vienna between 1938 and 1940; and

(2) recognizes his heroic deeds in saving the lives of thousands of Jewish persons by allowing them to escape the Holocaust.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4976. Mr. DEMINT 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 4977. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4978. Mr. REID (for Mr. BIDEN (for himself, Mr. LUGAR, Mr. MENENDEZ, and Mr. HAGEL)) submitted an amendment intended to be proposed to amendment SA 4825 proposed by Mrs. BOXER (for herself, Mr. WARNER, and Mr. LIEBERMAN) to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4979. Mr. NELSON, of Florida (for himself, Mr. HAGEL, Mr. SESSIONS, and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4976. Mr. DEMINT 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:

Insert at the appropriate place the following:

TITLE ____PROHIBITION ON EARMARKS

SEC. __01. PROHIBITION ON EARMARKS.

(a) IN GENERAL.—It shall not be in order to consider a bill, resolution, amendment, or conference report that proposes an earmark of funds provided or made available by this Act.

(b) DEFINITION.—In this section, the term ''earmark'' means a provision or report language included primarily at the request of a Senator or a Member of the House of Representatives providing, authorizing, or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality, or Congressional district, other than through a statutory or administrative formula-driven or competitive award process.

(c) SUPERMAJORITY WAIVER AND APPEAL.—This section may be waived or suspended in the Senate only by an affirmative vote of ⅗ of the Members, duly chosen and sworn. An affirmative vote of ⅗ of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(d) PROHIBITION ON EXTRA LEGISLATIVE EARMARKS.—None of the funds provided or made available by this Act shall be committed, obligated, or expended at the request of Members of Congress or their staff through oral or written communication for projects, programs, or grants to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process.

SA 4977. Mr. DEMINT 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:

Insert at the appropriate to place the following:

TITLE ____PROHIBITION ON EARMARKS

SEC. __01. PROHIBITION ON EARMARKS.

(a) IN GENERAL.—It shall not be in order to consider a bill, resolution, amendment, or conference report that proposes an earmark of funds provided or made available by this Act.

(b) DEFINITION.—In this section, the term ''earmark'' means a provision or report language included primarily at the request of a Senator or a Member of the House of Representatives providing, authorizing, or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality, or Congressional district, other than through a statutory or administrative formula-driven or competitive award process.

(c) SUPERMAJORITY WAIVER AND APPEAL.—This section may be waived or suspended in the Senate only by an affirmative vote of ⅗ of the Members, duly chosen and sworn. An affirmative vote of ⅗ of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SA 4978. Mr. REID (for Mr. BIDEN (for himself, Mr. LUGAR, Mr. MENENDEZ, and Mr. HAGEL)) submitted an amendment intended to be proposed to amendment SA 4825 proposed by Mrs. BOXER (for herself, Mr. WARNER, and Mr. LIEBERMAN) 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:

On page 44, line 10, strike ''; and'' and insert a semicolon.

On page 44, line 11, strike the period at the end and insert ''; and''.

On page 44, between lines 11 and 12, insert the following:

(vi) the Committee on Financial Services.

On page 44, line 14, strike ''subsection (c)(1)'' and insert ''subsection (d)(1)''.

On page 44, strike lines 18 through 20 and insert the following:

(A) is eligible to receive official development assistance according to the guidelines of the Development Assistance Committee of the Organization for Economic Cooperation and Development; and

On page 45, between lines 8 and 9, insert the following:

(4) FUND.—The term ''Fund'' means the International Clean Energy Deployment Fund established under subsection (c)(1).

On page 45, line 9, strike ''(4)'' and insert ''(5)''.

On page 45, between lines 17 and 18, insert the following:

(c) INTERNATIONAL CLEAN ENERGY DEPLOYMENT FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a fund, to be known as the ''International Clean Energy Deployment Fund''.

(2) USE OF FUNDS.—All amounts in the Fund shall be made available, without further appropriation or fiscal year limitation, for purposes of this section.

On page 45, line 18, strike ''(c)'' and insert ''(d)''.

On page 46, line 23, strike ''; and'' and insert a semicolon.

On page 47, line 2, strike the period at the end and insert a semicolon.

On page 47, between lines 2 and 3, insert the following:

(D) no single country receives more than 15 percent of the funds awarded during any 3-year period; and

(E) assistance is targeted at reducing or eliminating the increased costs associated with deploying clean technologies in place of traditional technologies.

Beginning on page 47, strike line 6 and all that follows through page 48, line 2, and insert the following:

(5) FORM OF ASSISTANCE.—

(A) IN GENERAL.—Consistent with Federal and international intellectual property law, assistance under this subsection shall be provided—

(i) as direct assistance in the form of grants, concessional loans, cooperative agreements, contracts, insurance, or loan guarantees to or with qualified entities;

(ii) as indirect assistance to such entities through—

(I) funding for international clean technology funds supported by multilateral institutions;

(II) support from development and export promotion assistance programs of the United States Government; or

(III) support from international technology programs of the Department of Energy; or

(iii) in such other forms as the Board may determine appropriate.

(B) OVERSIGHT BY THE SECRETARY OF THE TREASURY OF ASSISTANCE FOR MULTILATERAL TRUST FUNDS.—In the case of assistance provided under subparagraph (A)(ii)(I) for a clean technology fund or similar fund that is a multilateral trust fund based at the World Bank, the Secretary of the Treasury shall use the voice, vote, and influence of the United States to ensure that the assistance is used in accordance with the purposes of this section.

On page 48, beginning on line 20, strike ''emissions through Federal or State engagement'' and insert the following: ''emissions in eligible countries.

(C) Funding for Federal or State engagement

On page 49, beginning on line 10, strike ''the date that is 30 days after the date on which the Board submits'' and insert ''30 days after submitting''.

On page 50, line 15, strike ''(d)'' and insert ''(e)''.

On page 50, lines 17 and 18, strike ''President'' and insert ''Board''.

On page 50, line 24, strike ''President'' and insert ''Board''.

On page 51, line 6, strike ''; and'' and insert a semicolon.

On page 51, line 15, strike the period at the end and insert ''; and''.

On page 51, between lines 15 and 16, insert the following:

(C) such information as may be necessary to provide for the evaluation, not less frequently than once every three years, of the performance of each international clean technology fund provided assistance pursuant to paragraph (5)(A)(ii)(I).

On page 51, line 16, strike ''(e)'' and insert ''(f)''.

On page 51, line 24, strike ''(f)'' and insert ''(g)''.

On page 52, line 3, strike ''(g)'' and insert ''(h)''.

On page 439, line 10, strike ''; and'' and insert a semicolon.

On page 439, line 11, strike the period at the end and insert ''; and''.

On page 439, between lines 11 and 12, insert the following:

(vi) the Committee on Financial Services.

On page 439, line 14, strike ''President'' and insert ''Board''.

On page 439, strike lines 15 through 17 and insert the following:

(A) is eligible to receive official development assistance according to the guidelines of the Development Assistance Committee of the Organization for Economic Cooperation and Development; and

On page 439, line 24, strike ''President'' and insert ''Board''.

SA 4979. Mr. NELSON of Florida (for himself, Mr. HAGEL, Mr. SESSIONS, and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VI, add the following:

SEC. 642. REPEAL OF REQUIREMENT OF REDUCTION OF SBP SURVIVOR ANNUITIES BY DEPENDENCY AND INDEMNITY COMPENSATION.

(a) REPEAL.—

(1) IN GENERAL.—Subchapter II of chapter 73 of title 10, United States Code, is amended as follows:

(A) In section 1450, by striking subsection (c).

(B) In section 1451(c)—

(i) by striking paragraph (2); and

(ii) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(2) CONFORMING AMENDMENTS.—Such subchapter is further amended as follows:

(A) In section 1450—

(i) by striking subsection (e);

(ii) by striking subsection (k); and

(iii) by striking subsection (m).

(B) In section 1451(g)(1), by striking subparagraph (C).

(C) In section 1452—

(i) in subsection (f)(2), by striking ''does not apply—'' and all that follows and inserting ''does not apply in the case of a deduction made through administrative error.''; and

(ii) by striking subsection (g).

(D) In section 1455(c), by striking '', 1450(k)(2),''.

(b) PROHIBITION ON RETROACTIVE BENEFITS.—No benefits may be paid to any person for any period before the effective date provided under subsection (f) by reason of the amendments made by subsection (a).

(c) PROHIBITION ON RECOUPMENT OF CERTAIN AMOUNTS PREVIOUSLY REFUNDED TO SBP RECIPIENTS.—A surviving spouse who is or has been in receipt of an annuity under the Survivor Benefit Plan under subchapter II of chapter 73 of title 10, United States Code, that is in effect before the effective date provided under subsection (f) and that is adjusted by reason of the amendments made by subsection (a) and who has received a refund of retired pay under section 1450(e) of title 10, United States Code, shall not be required to repay such refund to the United States.

(d) REPEAL OF AUTHORITY FOR OPTIONAL ANNUITY FOR DEPENDENT CHILDREN.—Section 1448(d) of such title is amended—

(1) in paragraph (1), by striking ''Except as provided in paragraph (2)(B), the Secretary concerned'' and inserting ''The Secretary concerned''; and

(2) in paragraph (2)—

(A) by striking ''DEPENDENT CHILDREN.—'' and all that follows through ''In the case of a member described in paragraph (1),'' and inserting ''DEPENDENT CHILDREN ANNUITY WHEN NO ELIGIBLE SURVIVING SPOUSE.—In the case of a member described in paragraph (1),''; and

(B) by striking subparagraph (B).

(e) RESTORATION OF ELIGIBILITY FOR PREVIOUSLY ELIGIBLE SPOUSES.—The Secretary of the military department concerned shall restore annuity eligibility to any eligible surviving spouse who, in consultation with the Secretary, previously elected to transfer payment of such annuity to a surviving child or children under the provisions of section 1448(d)(2)(B) of title 10, United States Code, as in effect on the day before the effective date provided under subsection (f). Such eligibility shall be restored whether or not payment to such child or children subsequently was terminated due to loss of dependent status or death. For the purposes of this subsection, an eligible spouse includes a spouse who was previously eligible for payment of such annuity and is not remarried, or remarried after having attained age 55, or whose second or subsequent marriage has been terminated by death, divorce or annulment.

(f) EFFECTIVE DATE.—The sections and the amendments made by this section shall take effect on the later of—

(1) the first day of the first month that begins after the date of the enactment of this Act; or

(2) the first day of the fiscal year that begins in the calendar year in which this Act is enacted.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a field hearing has been scheduled before the Committee on Energy and Natural Resources, Subcommittee on National Parks. The hearing will be held on Monday, July 21, 2008, at 9:30 a.m., at the Destination Center at Blue Ridge Parkway, 195 Hemphill Knob Road, Asheville, North Carolina.

The purpose of the hearing is to receive testimony regarding the All Taxa Biodiversity Inventory of all species within the Great Smoky Mountains National Park. Specifically, the hearing will address: (1) How much has been learned up to this point and at what cost? (2) What is left to be done and what is the estimated time and cost to complete the inventory? (3) How has the data been used and are there other ways to use it? (4) What changes, if any, should be made in the program and (5) Should the program be expanded to include other National Parks?

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by e-mail to rachel_pastenack@energy.senate.gov.

For further information, please contact Kira Finkler at (202) 224–5523 or Rachel Pastenack at (202) 224–0883.

HONORING DR. FENG SHAN HO

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Senate now proceed to consideration of S. Res. 588, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 588) honoring Dr. Feng Shan Ho, a man of great courage and humanity, who saved the lives of thousands of Austrian Jews between 1938 and 1940.

There being no objection, the Senate proceeded to consider the resolution.

Mr. NELSON of Florida. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid on the table.

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

The resolution (S. Res. 588) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 588

Whereas, at great personal risk and sacrifice, Dr. Feng Shan Ho authorized the issuance of Chinese visas to Jewish persons so they could emigrate from Austria and escape the horrors of the Holocaust;

Whereas it is necessary to honor Dr. Ho posthumously because, in the ultimate demonstration of selfless humanitarianism, Dr. Ho never sought recognition for his courageous actions;

Whereas 70 years ago, Adolf Hitler's troops crossed into Austria and announced the Anschluss (the annexation of Austria to Germany), thereby applying all anti-Semitic decrees to Austrian Jews;

Whereas the Nazis brutally persecuted more than 200,000 Austrian Jews, by forcibly segregating them, depriving them of their citizenship and livelihoods, and interning them in concentration camps;

Whereas the fierceness of the persecution in Austria became the model for the future persecution of Jews in other Nazi-conquered territories;

Whereas the Nazis initially assumed a policy of coerced expulsion, with the goal of eventually removing all Jewish persons from Europe;

Whereas most other foreign consulates, although besieged by desperate Jews, offered no help;

Whereas a young Chinese diplomat in Vienna, Dr. Feng Shan Ho, refused to stand by and witness the destruction of innocent human beings, and authorized the issuance of visas for all Jews who asked;

Whereas word spread quickly and Jewish persons formed long lines in front of the Chinese Consulate to obtain the lifesaving visas;

Whereas the Chinese ambassador in Berlin ordered Dr. Ho to stop authorizing visas for Jews, but Dr. Ho nevertheless continued, at risk to his career, to prepare the visas;

Whereas in 1939, the Nazis confiscated the Chinese Consulate building, on the grounds that it was a Jewish-owned building;

Whereas, when the Chinese government refused funds to relocate the Consulate, Dr. Ho reopened the Consulate in another building and personally paid all the expenses;

Whereas in May 1940, Dr. Ho left Vienna, having authorized visas for thousands of Austrian Jews;

Whereas after 4 decades in diplomatic service to China, in 1973, Dr. Ho moved to the United States to join his children;

Whereas Dr. Ho became a United States citizen and lived in San Francisco until September 28, 1997, when he passed away at the age of 96;

Whereas, the world only knows of Dr. Ho's courageous actions because of a chance discovery among his diplomatic papers after his death, and the full extent of Dr. Ho's heroism is still being uncovered; and

Whereas, in 2000, the State of Israel posthumously made Dr. Ho an honorary citizen of Israel and granted him one of Israel's highest honors, the title of Righteous Among the Nations, ''for his humanitarian courage in issuing Chinese visas to Jews in Vienna in spite of orders from his superior to the contrary'': Now, therefore, be it

Resolved, That the Senate—

(1) honors and salutes the great courage and humanity of Dr. Feng Shan Ho for acting at great personal risk to issue Chinese visas to Jews in Vienna between 1938 and 1940; and

(2) recognizes his heroic deeds in saving the lives of thousands of Jewish persons by allowing them to escape the Holocaust.

MEASURE PLACED ON THE CALENDAR—H.J. Res. 92

Mr. NELSON of Florida. Mr. President, I understand H.J. Res. 92 is at the desk and due for a second reading.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (H.J. Res. 92) increasing the statutory limit on the public debt.

Mr. NELSON of Florida. Mr. President, I now object to any further proceedings at this time.

The PRESIDING OFFICER. Objection is heard. The bill will be placed on the calendar.

MEASURE READ THE FIRST TIME—S. 3098

Mr. NELSON of Florida. Mr. President, I understand that S. 3098 introduced earlier today by Senator MCCONNELL is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3098) to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

Mr. NELSON of Florida. I ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard.

The bill will be read for the second time on the next legislative day.

Mr. NELSON of Florida. Mr. President, 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.

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

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

CONSUMER-FIRST ENERGY ACT OF 2008—MOTION TO PROCEED

Mr. REID. Mr. President, today the price of oil is $132 a barrel. I do not know how the stock market is going to wind up, but with the slap in the face the economy got today with the unemployment rate skyrocketing and the price of oil $132 a barrel, the stock market is down about 300 points. How it is going to wind up today, I do not know.

Mr. President, on the global warming bill we just completed—and I say ''completed''—we were unable to offer amendments, we were unable to legislate on this most important piece of legislation. The Republicans said what they wanted to do is anytime we mention ''global warming,'' they would mention ''gas prices.''

Well, today, we do not have to guess what we are going to do next because I am going to file cloture on the most important piece of legislation dealing with gas prices we have done in some time.

So, Mr. President, we, as I have indicated, heard the Republicans speak at length about the problem of high gas prices. In doing so, they follow the lead of the majority who have been not just speaking about high gas prices for months but now working to find some solutions. We introduced something called the Consumer-First Energy Act. It was blocked by the Republicans. But now maybe, with gas prices even higher than they were a month ago, our Republican friends are finally ready to join our pursuit of solutions. Perhaps now, after taking their gas prices on the floor of the Senate for a week and talking about it and talking about it, they are ready to back their words with action. So next week they will have a chance—it will be Tuesday morning—to vote on gas prices. We are going to return to that legislation that will relieve the burden of record gas prices for American consumers, both in the long term and the short term.

What is in this bill? The President will remember, one of the things in the bill previously—we had five sections of the bill—one of them said: Mr. President, with the gas prices as high as they are, why do you continue to take this oil, the best oil there is—the sweet crude—and pump it into the Petroleum Reserve when it is almost filled anyway? So we did that, and that now is not happening anymore. He is not pumping that because we peeled part of that off and passed it individually.

So what is left in our legislation? First, it ends in billions of dollars in tax breaks for oil companies—oil companies whose executives have been hauling in record profits while we pay record prices for gasoline. I don't know what it is in Virginia, but in Nevada the price of gas is now more than $4 a gallon.

As I sat on the floor of the Senate earlier this week, a friend of mine whom I went to high school with—his name is Ted Sandival and I have done legal work for him over the years when I practiced law and we have maintained a relationship—called me. I was wondering what was wrong. In the whole conversation, the only thing he expressed to me that he was concerned about was that he always wanted to buy a diesel vehicle because they last so much longer. So he bought a diesel vehicle and he said: HARRY, I can't afford to put fuel in it anymore. I am

paying almost $5 a gallon for diesel fuel.

Well, the oil companies are making record profits. The oil executives are making record salaries and bonuses and are getting record amounts of compensation, and we don't think it is appropriate at this time for the American taxpayers to continue paying billions of dollars in tax breaks to the oil companies. We are going to vote on this Tuesday morning.

The other section of our bill forces oil companies to do their part by investing part of their profits in clean and affordable alternative energy.

Third: We protect the American people from price gougers and greedy oil traders who manipulate the market.

Finally, a bipartisan section of this bill. Senators SPECTER and KOHL came to see me yesterday, both longtime members of the Judiciary Committee who believe that OPEC and others who are colluding to keep oil prices high should be subject to this Sherman Antitrust Act. Senator SPECTER went through all the legal reasons, and as we all know, he is a real legal scholar. So I am convinced he is right and we should do this.

The Consumer First Energy Act does exactly what it promises: It ends more than 7 years of the Cheney energy policy that has lined the pockets of modern-day oil barons and left the American people to pay the bill.

Finally, it puts consumers first. Is this a silver bullet ending all the problems? Of course not. But it is a bill that will solve some of the energy problems we have in our country today.

This legislation is an important step that will make a difference, as I have said, in the long and the short run. So I hope the minority will put their votes where their mouths have been all week. Passing this smart, responsible bill will help put American families first and help take another step on the road to a renewable revolution.

CLOTURE MOTION

Mr. President, normally what we do is ask unanimous consent to move forward on this legislation. We know the minority, if they were here, would object. They are not here, so rather than embarrass anyone, I will now move to proceed to Calendar No. 743, S. 3044, and send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to S. 3044, the Consumer-First Energy Act of 2008.

Harry Reid, Barbara Boxer, Charles E. Schumer, Sheldon Whitehouse, Robert P. Casey, Jr., Patty Murray, Debbie Stabenow, Benjamin L. Cardin, Daniel K. Akaka, Jack Reed, Claire McCaskill, Christopher J. Dodd, Amy Klobuchar, Patrick J. Leahy, Barbara A. Mikulski, Frank R. Lautenberg, Carl Levin.

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum be waived.

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

Mr. REID. I now withdraw the motion.

The PRESIDING OFFICER. The motion is withdrawn.

Mr. REID. Mr. President, I filed cloture on the motion to proceed to the legislation that I outlined, S. 3044, which is the Consumer First Energy Act. I am going to shortly move to proceed to H.R. 6049, the Renewable Energy and Job Creation Act of 2008. However, prior to doing that, I was going to ask unanimous consent that if cloture were invoked on the motion to proceed to S. 3044, that then the cloture motion on H.R. 6049 would be withdrawn. Since there is no one from the Republican side here to launch an objection, which I am told they would do, I am not going to ask for unanimous consent today but will do so on Monday when a Republican is here in the Senate.

RENEWABLE ENERGY AND JOB CREATION ACT OF 2008—MOTION TO PROCEED

Mr. REID. Mr. President, I now move to proceed to Calendar No. 767, H.R. 6049, energy production and conservation, and I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 767, H.R. 6049, the Renewable Energy and Job Creation Act of 2008.

Harry Reid, Barbara Boxer, Sherrod Brown, Robert Menendez, Kent Conrad, Daniel K. Inouye, Byron L. Dorgan, Jon Tester, Richard Durbin, Patty Murray, Max Baucus, John D. Rockefeller IV, Maria Cantwell, Frank R. Lautenberg, John F. Kerry, Blanche L. Lincoln, E. Benjamin Nelson.

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum required under rule XXII be waived.

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

UNANIMOUS CONSENT AGREEMENT—MEDICARE IMPROVEMENT FOR PATIENTS AND PROVIDERS ACT OF 2008

Mr. REID. Mr. President, notwithstanding an adjournment of the Senate today, June 6, I ask unanimous consent that the bill relating to the Medicare Improvement for Patients and Providers Act of 2008, introduced by Senators BOXER and SNOWE, among others, be considered to have received a first reading and objection made to further proceedings on Friday, June 6; that it then receive its second reading on the next legislative day; and that this request is only valid until 5 p.m. today, Friday, June 6.

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

ORDERS FOR MONDAY, JUNE 9, 2008

Mr. REID. Mr. President, I now ask unanimous consent that when the Senate completes its business today, it stand adjourned until 3:15 p.m., Monday, June 9; following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of the motion to proceed to Calendar No. 728, S. 3044, the Consumer First Energy Act.

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

PROGRAM

Mr. REID. As I have said earlier, Mr. President, there will be no rollcall votes on Monday. Senators should be prepared to vote Tuesday morning.

ADJOURNMENT UNTIL MONDAY, JUNE 9, 2008, AT 3:15 P.M.

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 2:08 p.m., adjourned until Monday, June 9, 2008, at 3:15 p.m.