

Angeles, where they have a very cutting edge program to move away from the dirty trucks, and we are fighting hard to get that program to move forward.

So we look at the ports and we know there are problems, and we look at the highways, and we know there are problems. In my State, and other States, where we have valleys, the dirty air is trapped into those areas. So as a Senator from California, I welcome Regina McCarthy to this job, because, frankly, we need to do much more about the quality of the air, or lack of same, across the country.

The California Air Resources Board estimates that diesel emissions contribute to 2,000 premature deaths each year, and that the health costs of diesel emissions are billions of dollars each year. So I want to say again, we are talking about 2,000 premature deaths each year when we talk about dirty air. We are not just saying we are upset because you can start to see the air and it looks terrible; we are saying that this dirty air is being breathed in by our kids, by our grandkids, by pregnant women, by people with disabilities, and only the strongest survive on this. So we know it is a problem, and Regina McCarthy gets it. Her job isn't to be a robot, her job is to understand that the situation is dire here—2,000 premature deaths a year because of dirty air. And that is just from diesel emissions. So we need an assistant administrator on air who has the experience, the expertise, and the ability to work with communities large and small, to work with industry, and to work with government to find lasting solutions.

One of the opportunities we have here, separate and apart from the enforcement of the Clean Air Act—which will be under her domain—is to pass global warming legislation which will move us away from the dirty sources of fuel toward clean energy and, by the way, create long-lasting clean energy jobs which will stay here and boost our economy forward.

We have a lot of work ahead of us on this committee which I am so privileged to chair, and certainly right here in the Senate, and we are going to call on Regina McCarthy. She is well qualified, she has the ability to work with communities and industry, and she is the right person for this job.

I am disappointed that we had a colleague of ours hold her nomination up, you know, week after week after week. It should have been done. But today it looks good that we are moving forward. I hope we can do it by voice vote, and again I want to point out that in terms of Regina McCarthy's nomination, Senator INHOFE, the ranking member on the committee, supports her for this job, as do I. And I think that is the best thing I could say for a nominee, because oftentimes we find ourselves at loggerheads. But in this case, we are together.

I thank the Presiding Officer, I urge approval of her, and I hope we can do this by voice vote.

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 bill clerk proceeded to call the roll.

Mrs. BOXER. I ask unanimous consent that the order for the quorum call be rescinded.

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

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF REGINA MCCARTHY TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The legislative clerk read the nomination of Regina McCarthy, of Massachusetts, to be an Assistant Administrator of the Environmental Protection Agency.

Mr. LIEBERMAN. Mr. President, I rise today to express my strong support for the confirmation of Gina McCarthy to head the Office of Air and Radiation at the Environmental Protection Agency. I have had the opportunity to work with and get to know Ms. McCarthy during her tenure as the commissioner of Connecticut's Department of Environmental Protection. Ms. McCarthy has worked tirelessly to make Connecticut's air, land and water cleaner, which in turn has made Connecticut the wonderful place it is today to live, work and raise a family.

Among her achievements, I would like to highlight Ms. McCarthy's pioneering work to address climate change in New England. She is widely recognized as a chief engineer of the very successful Regional Greenhouse Gas Initiative. Since her appointment in 2004, Ms. McCarthy has worked to dramatically improve Connecticut's environment. She has restored and defended the integrity of many of Connecticut's most cherished natural treasures. She devoted herself to protecting Long Island Sound, a source of nourishment and recreation to the millions who live and work along its coastline. As commissioner, Ms. McCarthy devised strategies for dealing with our State's solid waste, and she worked to improve Connecticut's air quality. She also made great strides to reinvigorate our parks and open spaces.

Gina arrived in Connecticut with a wealth of experience after holding a number of health and environmental positions in Massachusetts at the local, State and Federal levels. She worked for the Stoughton Board of Health and Conservation, Massachusetts' Hazardous Waste Facility Site Safety Council, the Massachusetts Toxics Use Reduction Program and the New England Governor's Environment Committee. Ms. McCarthy also served as the under secretary of policy at the Massachusetts Executive Office of Environmental Affairs and as the deputy secretary of operations to the Office for Commonwealth Development where she oversaw the development and implementation of Massachusetts' first Climate Protection Action Plan.

We have been lucky to have Gina in Connecticut and I am excited that the entire country will now benefit from her talents at the EPA. In her new position, Ms. McCarthy will be responsible for developing national programs, technical policies and regulations to control air pollution and prevent exposure to radiation. She will continue her work to address climate change and improve energy efficiency—a double charge that is both timely and imperative to the continued health of our planet. She will also develop strategies to reduce industrial and vehicle-generated air pollution as she works to improve indoor and outdoor air quality. I am excited to have someone of Ms. McCarthy's character and credentials leading these essential efforts and I am filled with confidence in her ability to address them productively.

I strongly support the nomination of Gina McCarthy to head the EPA's Office of Air and Radiation and urge my colleagues to do the same.

Mr. DODD. Mr. President, I rise today in support of the nomination of Regina McCarthy to be Assistant Administrator for Air and Radiation at the Environmental Protection Agency. I would also like to thank Chairman BOXER and the members of the Environment and Public Works Committee for their support of this excellent and deserving nominee. While I think it is regrettable that her confirmation was delayed for so long, I am glad that she will soon be able to get to work on finding solutions to the many important environmental issues facing our nation.

I congratulate President Obama on nominating such a remarkably qualified, energetic, and passionate individual to serve as Assistant Administrator. Commissioner McCarthy has 25 years of experience working at all levels of local and State government and has a depth and breadth of knowledge on environmental issues that few can rival. She has also served under both Democratic and Republican Governors, in Massachusetts as well as my home State of Connecticut. In both States and in all capacities, Gina has been universally recognized as a uniquely talented environmental advocate.

As commissioner of Connecticut's Department of Environmental Protection since 2004, Gina has amassed an impressive record of accomplishments. She spearheaded the "No Child Left Inside" initiative in Connecticut and nationwide, which combines environmental education with numerous outdoor programs to promote physical activity while teaching kids to become good stewards of the environment. She has also been a key proponent of sustainable economic development in Connecticut, has worked tirelessly to reinvestigate our State park system, and has been a terrific advocate for open space and conservation initiatives.

Perhaps most prominently, Commissioner McCarthy was one of the driving forces behind the creation of the Regional Greenhouse Gas Initiative, RGGI, the Nation's first mandatory cap and trade program, which was adopted by 10 States in the Northeast to address the grave threat of climate change. The commissioner's work on the issue of climate change has been recognized and lauded nationally, and her experience will be invaluable when she is confirmed as Assistant Administrator for Air and Radiation. President Obama has made it clear that addressing climate change is a top priority for his administration, and as Assistant Administrator, Gina will play a vital role in developing and implementing policies to control greenhouse gas emissions.

In my view, this incredible list of accomplishments does not do justice to the qualities Gina will bring to her new position once she is confirmed. Across my State she has a well-deserved reputation for her boundless energy, incredible passion and determination, and willingness to speak frankly in order to address challenges head on.

Indeed, she has made such an enormous impact that on March 14, the Hartford Courant ran an editorial entitled "DEP Chief Gina McCarthy a Hard Act to Follow," which praised both her passion for the issues and her pragmatic approach. The Courant specifically noted her ability to revitalize a department which had lost the public's trust and engage people across the State in preserving Connecticut's landscape and Long Island Sound.

Once again, I congratulate Gina McCarthy and strongly urge all my colleagues to support her nomination. Connecticut's loss is a win for our Nation. And, while we are sad to see her leave Connecticut, I am confident that Gina will continue to be the outstanding advocate for the environment and public health she has always been and I look forward to working with her in her new capacity at the EPA.

The ACTING PRESIDENT pro tempore. The question is, Will the Senate advise and consent to the nomination of Regina McCarthy, of Massachusetts, to be an Assistant Administrator of the Environmental Protection Agency?

The nomination was confirmed.

The ACTING PRESIDENT pro tempore. Under the previous order, the mo-

tion to reconsider is laid upon the table, and the President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The ACTING PRESIDENT pro tempore. The Senate will resume legislative session.

FAMILY SMOKING PREVENTION AND TOBACCO CONTROL ACT—MOTION TO PROCEED

CLOTURE MOTION

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

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. 47, H.R. 1256, the Family Smoking Prevention and Tobacco Control Act.

Harry Reid, Tom Harkin, Edward E. Kaufman, Mark Begich, Bernard Sanders, Michael F. Bennet, Mark Udall, Patty Murray, Claire McCaskill, Carl Levin, Jack Reed, Sheldon Whitehouse, Christopher J. Dodd, Jeff Merkley, Robert Menendez, Charles E. Schumer, Max Baucus.

Mr. ENZI. Mr. President, today the Senate will vote on cloture on the motion to proceed on H.R. 1256, the Family Smoking Prevention and Tobacco Control Act.

Full and fair debate is one of the hallmarks of American democracy and the Senate in particular. All we are voting on today is whether we are going to get to debate, not whether we are going to have FDA regulation of tobacco. But if this vote does not get 60 votes, we will not have the opportunity in this Congress to see whether we can take real steps to curb tobacco use.

Whether you are for this bill or against it, I urge you to support cloture on the motion to proceed. We cannot get to substantive amendments and improvements to the bill until we have cloture on the motion to proceed.

I will have a number of amendments to improve this bill and fight the scourge of tobacco use and its deadly health consequences. In order to get to offer my amendments, I will support cloture on the motion to proceed, and I urge my colleagues to do the same.

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

The question is, Is it the sense of the Senate that debate on the motion to proceed to H.R. 1256, the Family Smoking Prevention and Tobacco Control Act, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Alaska (Mr. BEGICH), the Senator from West Virginia (Mr.

BYRD), and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Florida (Mr. MARTINEZ).

The PRESIDING OFFICER (Mrs. GILLIBRAND). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 84, nays 11, as follows:

[Rollcall Vote No. 203 Leg.]

YEAS—84

Akaka	Feinstein	Murkowski
Alexander	Gillibrand	Murray
Barrasso	Graham	Nelson (NE)
Baucus	Grassley	Nelson (FL)
Bayh	Gregg	Pryor
Bennet	Harkin	Reed
Bennett	Hutchison	Reid
Bingaman	Inouye	Risch
Boxer	Isakson	Rockefeller
Brown	Johanns	Sanders
Burr	Johnson	Schumer
Cantwell	Kaufman	Sessions
Cardin	Kerry	Shaheen
Carper	Klobuchar	Shelby
Casey	Kohl	Snowe
Chambliss	Kyl	Specter
Cochran	Landrieu	Stabenow
Collins	Lautenberg	Tester
Conrad	Leahy	Thune
Corker	Levin	Udall (CO)
Cornyn	Lieberman	Udall (NM)
Crapo	Lincoln	Vitter
Dodd	Lugar	Voynovich
Dorgan	McCain	Warner
Durbin	McCaskill	Webb
Ensign	Menendez	Whitehouse
Enzi	Merkley	Wicker
Feingold	Mikulski	Wyden

NAYS—11

Bond	Coburn	Inhofe
Brownback	DeMint	McConnell
Bunning	Hagan	Roberts
Burr	Hatch	

NOT VOTING—4

Begich	Kennedy
Byrd	Martinez

The PRESIDING OFFICER. On this vote, the yeas are 84, the nays are 11. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The Senator from Connecticut.

Mr. DODD. Madam President, I rise in support of S. 982, the Family Smoking Prevention and Tobacco Control Act, the matter that is before the Senate. This bill would give the Food and Drug Administration the authority to regulate the tobacco industry and put in place the tough protections for families that for too long have been absent when it comes to how cigarettes are marketed to our youngest citizens—our children.

This is an issue that many in this Chamber have worked on for a long time. For those who have been here for some time, this issue is not a new issue. It has been before the Congress now for over a decade, and for various reasons along the way—the other body has adopted this bill or we have adopted the bill but not at the same time the other Chamber has; the committees have acted but never in the same year or in the same Congress—so we have had sort of a disjointed process that has never brought the other Chamber and this one together around the importance of this legislation.