

their cars and they can't get gasoline—well, in any kind of natural disaster such as that, people really rely on these portable generators to provide electricity. Unfortunately, every year, a number of people are severely injured or killed by the carbon monoxide poisoning that results from improper generator use. They crank this thing up in an enclosed room, and they ultimately are harmed or killed as a result of carbon monoxide.

Section 32 of the CPSC Reform Act requires the CPSC to complete a long-pending rulemaking on portable generator carbon monoxide poisoning within 18 months of the enactment. When this rule is finalized, it is going to require new technologies to stop these tragedies, and it will save lives. It is a wonder that the CPSC hadn't already done this when folks such as myself are articulating what has happened with the deaths in the aftermath of a hurricane and have asked them to do it. Now we are going to bring it to fruition because it is going to be required under this legislation.

I again thank my colleague, Senator PRYOR, who is shepherding this legislation through a tortuous legislative process. I hope all of our colleagues will join in supporting this critical legislation.

Mr. President, I yield the floor, and I suggest the absence of a quorum, unless the Senator from Arkansas—it looks as if his eloquent self is rising to speak.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. PRYOR. Mr. President, before my dear colleague from Florida leaves the floor, I would like to acknowledge his work on this legislation. He has been a real go-to guy on these toy issues. In fact, he had filed a bill—before we even filed our bill that became the committee bill, he filed a bill that basically—I don't want to say we took verbatim, but we took large pieces of it and all the concepts of it and incorporated his legislation, and it really became the bedrock piece of the committee bill, which has now been amended and substituted, and now it is the bipartisan bill the Senate is working on. So Senator BILL NELSON of Florida really deserves a lot of credit for helping to get the ball rolling and getting things moving in the right direction.

In fact, we have so many colleagues who have helped in this process, and I will thank them more as the week goes on. But I think of SUSAN COLLINS of Maine, who came in probably, I don't know, several months ago—I don't remember exactly when—and she had a very important role. Of course, Senator STEVENS really worked hard to make this bipartisan. Both of them are Republican cosponsors.

Again, for all of the Senators who are listening, I would love to talk to more Republican Senators about maybe possibly becoming cosponsors in the next day or two because, as we saw from the vote tonight, this bill does have broad-

based bipartisan support. I appreciate the effort all of our colleagues have done, but I did want to single out Senator BILL NELSON, who has been so instrumental in moving this forward.

Mr. President, if there is no one else who is planning on speaking, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. NELSON of Florida). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PRYOR. 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. PRYOR. Mr. President, it looks as if we are at the close of our business today. Tomorrow, I look forward to returning to the consideration of S. 2663, the Consumer Product Safety Commission Reform Act.

#### COLLOQUES REGARDING H.R. 6

Mr. LEVIN. Mr. President, I have been asked about the timing of the colloquy that I entered into with Senators INOUE and FEINSTEIN on December 13, 2007, during consideration of H.R. 6, the Energy Independence and Security Act of 2007.

Immediately prior to the vote on cloture, on the motion to concur with an amendment to the House amendment to the Senate amendment to the text of H.R. 6, I was recognized on the Senate floor and requested and obtained consent “that a colloquy between myself, Senator Inouye and Senator Feinstein be inserted in the record at this point.”

Agreement among the three of us on the content of that colloquy was critical to both my vote for cloture and my later vote for final passage, as I indicated in my own statement prior to final passage that was submitted later in the day. The colloquy between Senator INOUE, Senator FEINSTEIN, and me read in its entirety, as follows:

#### NHTSA REGULATIONS ON FUEL ECONOMY

Mr. LEVIN. Mr. President, I support this bill and, in particular, the provisions that require the Department of Transportation, through the National Highway Traffic Safety Administration, NHTSA, to set new fuel economy standards for vehicles that will reach an industry fleet wide level of 35 miles per gallon by 2020 based on my understanding that these new Federal standards will not be undercut in the future by regulations issued by the Environmental Protection Agency regulating greenhouse gas emissions from vehicles.

I believe that we have taken historic steps in this legislation by putting in place ambitious but achievable fuel economy standards that will reduce our Nation's fuel consumption and greenhouse gas emissions. In this legislation, the Senate and House have come together and established the appropriate level of fuel economy standards and have directed NHTSA to implement that through new regulations. In this legislation, the Congress has agreed that the appropriate level of fuel economy to reach is 35 miles per gallon in 2020, or an increase of 10 miles per gallon in 10 years.

But it is essential to manufacturers that they are able to plan on the 35 miles per gallon standard in 2020. We must resolve now with the sponsors of this legislation in the Senate any ambiguity that could arise in the future when EPA issues new rules to regulate greenhouse gas emissions from vehicles pursuant to its authority under the Clean Air Act so that our manufacturers can have certainty. With that in mind, I want to clarify both Senator Inouye's and Senator Feinstein's understanding and interpretation of what the Congress is doing in this legislation and to clarify their agreement that we want all Federal regulations in this area to be consistent. We do not want to enact this legislation today only to find later that we have not been sufficiently diligent to avoid any conflicts in the future.

The Environmental Protection Agency has authority under the Clean Air Act to regulate greenhouse gas emissions from vehicles and to delegate that authority, as the agency deems appropriate, to the State of California. This authority was recently upheld by the U.S. Supreme Court, and it is not our purpose today to attempt to change that authority or to undercut the decision of the Supreme Court. We simply want to make clear that it is Congressional intent in this bill that, with respect to regulation of greenhouse gas emissions, any future regulations issued by the Environmental Protection Agency to regulate greenhouse gas emissions from vehicles be consistent with the Department of Transportation's new fuel economy regulations that will reach an industry fleet wide level by 35 miles per gallon by 2020.

Does the Senator from California and original sponsor of this legislation, Mrs. Feinstein, agree with my view that the intent of this language is for EPA regulations on greenhouse gas emissions from vehicles to be consistent with the direction of Congress in this 35 miles per gallon in 2020 legislation and consistent with regulations issued by the Department of Transportation to implement this legislation?

Mrs. FEINSTEIN. Yes, of course, we have worked hard to come together on this legislation directing NHTSA to issue new fuel economy regulations to reach an industry fleet wide level of 35 miles per gallon by 2020, and it is our intent in the bill before us that all Federal regulations in this area be consistent with our 35 miles per gallon in 2020 language.

Mr. LEVIN. I thank the Senator for her clarification of her intent.

Does the chairman of the Commerce Committee, the distinguished Senator from Hawaii, Mr. Inouye, agree with my understanding of the intent of this bill that any regulations issued by the Environmental Protection Agency be consistent with the direction of Congress in this legislation and regulations issued by the Department of Transportation to implement this legislation?

Mr. INOUE. Yes. I agree that it is very important that all Federal regulations in this area be consistent and that we provide clear direction to the agency that has responsibility for setting fuel economy standards, the Department of Transportation.

Mr. LEVIN. I thank my distinguished colleague from Hawaii, Mr. Inouye, for his clarification.

With the colloquy accepted and placed in the CONGRESSIONAL RECORD, I voted to invoke cloture. Sometime after the vote on cloture, later in the day, a separate colloquy between Senator FEINSTEIN and Senator INOUE was inserted in the CONGRESSIONAL RECORD. It was placed in the RECORD immediately following the Levin-Feinstein-

Inouye colloquy, quoted above, although it was, in fact, presented for inclusion in the RECORD at a later point in the day, as noted by Senator INOUE in the second sentence of the Inouye-Feinstein colloquy. Their colloquy reads as follows:

AGENCY MANAGEMENT

Mr. INOUE. Mr. President, I have worked for many months with the Senior Senator from California and the original sponsor of this legislation, Mrs. Feinstein, to draft a sound policy to increase fuel economy standards in our country. I stated earlier today that "all Federal regulations in this area be consistent." I wholly agree with that notion, in that these agencies have two different missions. The Department of Transportation has the responsibility for regulating fuel economy, and should enforce the Ten-in-Ten Fuel Economy Act fully and vigorously to save oil in the automobile fleet. The Environmental Protection Agency has the responsibility to protect public health. These two missions can and should co-exist without one undermining the other. There are numerous examples in the executive branch where two or more agencies share responsibility over a particular issue. The Federal Trade Commission and the Federal Communications Commission both oversee telemarketing practices and the Do-Not-Call list.

The FTC also shares jurisdiction over anti-trust enforcement with the Department of Justice. Under the current CAFE system, the Department of Transportation and the Environmental Protection Agency work together. DOT enforces the CAFE standards, and the EPA tests vehicles for compliance and fuel economy labels on cars. The President himself foresaw these agencies working together and issued an Executive Order on May 14, 2007, to coordinate the agencies on reducing automotive greenhouse gas emissions. The DOT and the EPA have separate missions that should be executed fully and responsibly. I believe it is important that we ensure that the agencies are properly managed by the executive branch, as has been done with several agencies with shared jurisdiction for decades. I plan on holding hearings next session to examine this issue fully.

Mrs. FEINSTEIN. I would like to thank the chairman of the Commerce Committee, and I would like to clarify what I believe to be the intent of the legislation I sponsored to increase fuel economy standards in the United States.

The legislation increasing the fuel economy standards of vehicles by 10 miles per gallon over 10 years does not impact the authority to regulate tailpipe emissions of the EPA, California, or other States, under the Clean Air Act.

The intent was to give NHTSA the ability to regulate fuel efficiency standards of vehicles, and increase the fleetwide average to at least 35 miles per gallon by 2020.

There was no intent in any way, shape, or form to negatively affect, or otherwise restrain, California or any other State's existing or future tailpipe emissions laws, or any future EPA authority on tailpipe emissions.

The two issues are separate and distinct.

As the Supreme Court correctly observed in *Massachusetts v. EPA*, the fact "that DOT sets mileage standards in no way licenses EPA to shirk its environmental responsibilities. EPA has been charged with protecting the public's health and welfare, a statutory obligation wholly independent of DOT's mandate to promote energy efficiency. The two obligations may overlap, but there is no reason to think the two agencies cannot both administer their obligations and yet avoid inconsistency."

I agree with the Supreme Court's view of consistency. There is no reason to think the two agencies cannot both administer their obligations and yet avoid inconsistency.

The U.S. District Court for the Eastern District of California in *Central Valley Chrysler-Jeep v. Goldstone* has reiterated this point in finding that if approved by EPA, California's standards are not preempted by the Energy Policy Conservation Act.

Title I of the Energy Security and Independence Act of 2007, H.R. 6, provides clear direction to the Department of Transportation, in consultation with the Department of Energy and the Environmental Protection Agency, to raise fuel economy standards.

By taking this action, Congress is continuing DOT's existing authority to set vehicle fuel economy standards. Importantly, the separate authority and responsibility of the U.S. Environmental Protection Agency to regulate vehicle greenhouse gas emissions under the Clean Air Act is in no manner affected by this legislation as plainly provided for in section 3 of the bill addressing the relationship of H.R. 6 to other laws.

I fought for section 3. I have resisted all efforts to add legislative language requiring "harmonization" of these EPA and NHTSA standards. This language could have required that EPA standards adopted under section 202 of the Clean Air Act reduce only the air pollution emissions that would already result from NHTSA fuel economy standards, effectively making the NHTSA fuel economy standards a national ceiling for the reduction of pollution. Our legislation does not establish a NHTSA ceiling. It does not mention the Clean Air Act, so we certainly do not intend to strip EPA of its wholly separate mandate to protect the public health and welfare from air pollution.

To be clear, Federal standards can avoid inconsistency according to the Supreme Court, while still fulfilling their separate mandates.

NATIONAL SPORTSMANSHIP DAY

Mr. REED. Mr. President, today marks the 18th annual National Sportsmanship Day. This initiative, the largest of its kind in the world, is a program of the Institute for International Sport based at the University of Rhode Island. Since 1991, the program has promoted the highest ideals of sportsmanship and fair play among not only the young people of Rhode Island but also among youth in every other State and, indeed, around the world. This year alone over 7 million children in more than 14,000 schools throughout the United States and countries as diverse as Ghana, Nigeria, India, Australia, and Bermuda, will celebrate National Sportsmanship Day.

Our appreciation of sports is deep-rooted. The ancient Greeks, for example, recognized "a sound mind in a sound body" as the foundation of a good education. But a complete individual not only develops the mind and body, he or she also develops and exhibits fairness and honesty, key elements of sportsmanship.

This year, Jackie Joyner-Kersey, the famed Olympic Gold medalist, serves as chair of the National Sportsmanship Day program. She and the program's founder, Dan Doyle, remain committed to the goal of making sports a more

positive force in society. They hope to achieve their objective by focusing this year on improving parental involvement in athletics, encouraging parents to be good sports on the sidelines so they can be good models of ethical behavior for their children.

I am proud that Rhode Island is the home base of this program, and I hope it enjoys continued success.

TRIBUTE TO JOHNNIE CARR

Mr. SESSIONS. Mr. President, it is with sadness that today I note the loss of a great American and a hero of the civil rights movement, Mrs. Johnnie Carr.

Mrs. Carr passed away in Montgomery on February 22, 2008, at the age of 97, but her lifelong struggle for equality in America will be an inspiration for many years to come.

I had the great privilege to know Mrs. Carr personally. I was always struck by her deep faith and commitment to improving our State. She was an independent thinker, and her remarkable strength served her well as a leader.

Mrs. Carr lived all her life in Montgomery, where she was a foot soldier in the fight for equality. She was a founding member of the Montgomery Improvement Association, an organization that proved instrumental in the important civil rights events in Alabama during the 1950s and 1960s.

Carr was the schoolmate, friend, and partner of Rosa Parks, who was the recipient of the Congressional Gold Medal and who was honored, 2 years ago, by having her body lie in honor in the Rotunda of the U.S. Capitol.

Fred Gray, lawyer for Dr. Martin Luther King, Jr., and author of "Bus Ride to Justice," a valuable history of the civil rights movement in Alabama, points out that Johnnie Carr was one of the organizers of the bus protest. Gray eloquently notes that her boycott "Set in motion the modern civil rights movement and gave birth to a world leader, Dr. Martin Luther King, Jr., a future Nobel Peace Prize Laureate." That protest succeeded as a result of unified African-American community leaders like Johnnie Carr.

Later, in 1964, Carr became the lead plaintiff in the historic school desegregation case, *Carr v. the Montgomery Board of Education*, a victory for color-blind public education and one of many important cases heard by U.S. District Judge Frank M. Johnson. Indeed, this case was the first time that the U.S. Supreme Court approved "quotas, goals, and time-tables" as corrections for past discrimination, Gray writes.

She committed her entire life to equality and her faith, which provided her the courage to make a difference.

It is fitting that Mrs. Carr followed Dr. King as president of the Montgomery Improvement Association. For more than four decades she led campaigns to promote voter registration and integrate public facilities.