

George Bush's best friend internationally, saying we must act because America is pivotal. So we have our time tomorrow, after we wait here for people to come and talk, and at some point maybe they will give us permission to start the amendment process.

Our children want us to act. I have to tell you that one of the great moments was when Senator WARNER came to me and said: My daughters really care about this issue. I knew if they were talking to him, he might be open to this issue. He saved the day in committee. He is a man who has such a great legacy already. He didn't have to do one more piece of legislation. He has his place in history on national security. He understood that global warming is a national security issue. Our Navy intelligence officials tell us that, and we will have some quotes tomorrow.

This is a win-win bill for national security, for our kids. It is a win for clean air, and it is a win for our consumers and for our workers and our businesses. Anything to the contrary—I believe this so much—is just scare tactics.

MR. BIDEN. Mr. President, I want to thank my colleagues for holding the vote open as long as they could. Unfortunately, both of the trains I hoped would get me here were late, and I missed the vote by 10 minutes. I wish I had been able to get here in time to deliver this statement in support of cloture on the motion to proceed to the Climate Security Act, and to vote aye.

Mr. President, this is a historic moment. For the first time we have before the Senate legislation to slow, stop, and reverse greenhouse gas emissions in the United States.

When such a plan is finally passed, signed and enacted, we will look back on this day as the beginning. Let us commit ourselves to that goal.

And let us begin this historic process today by allowing the Senate to take up the Climate Security Act.

In our own country, and among our fellow citizens on this planet, we face a common threat. Now is the time for us to fashion a common response.

I introduced climate change legislation over two decades ago, in 1986, at a time when this issue was just on the horizon. It called for the establishment of national strategy to understand and respond to the emerging threat of global warming.

Even at that early date, this was a bipartisan effort.

I was joined by Senator Mack Mathias, a Maryland Republican. In those early days, Senators KERRY and Gore were also leaders, along with John Chafee.

This remains a bipartisan effort today. In fact, on the legislation laid down this afternoon, the Boxer-Lieberman-Warner bill, we have all three political parties represented.

This debate would not be happening without leadership from both parties over the years. Senator MCCAIN joined

Senator LIEBERMAN in introducing the first Senate cap-and-trade legislation.

Senator WARNER has made climate change the issue that will cap his already distinguished career in the Senate.

We would not be at this point today, without the leadership of Senator BOXER, who has made global warming the signature issue of her Chairmanship of our Environment Committee.

Later in this debate, I intend to offer an amendment, with Senator LUGAR, along with Senators KERRY, WARNER, MENENDEZ, and SNOWE, calling for renewed leadership by the United States in international climate change negotiations.

I make these points because we all know that this debate hangs now in a delicate balance between the best, bipartisan instincts of the Senate, on the one hand, and the temptation, so strong at this time in an election year, to score partisan points.

I hope that we do not succumb to that temptation. Global warming is real, it is happening now, and the American people look to us for the political will to fashion a solution.

We know that our physical climate is changing. And we all know that the political climate in the United States is changing, too.

For too many years, the United States has stayed on the sidelines of international efforts to combat global warming.

We have missed the chance to turn the impending threat of catastrophic climate change into an opportunity to reduce the security threat of our dependence on oil, to reduce the health threat from pollution, to reduce the sheer waste and inefficiency in our economy.

And we missed the chance to do what many of the leading businesses in this country know we should do—capture a leadership position in the global competition for the next generation of clean technologies.

With this debate, we are taking the first steps toward meeting our responsibilities and seizing those opportunities.

The physical consequences of global warming are right before our eyes: the shrinking polar ice cap, retreating glaciers, changing growing seasons, animal migration, and rainfall patterns.

In my own State of Delaware, our coastlines are threatened by rising sea levels and the threat of stronger storms from warmer ocean temperatures. Our wetlands, crucial to wildlife, water quality, and fisheries, are threatened as salt water intrudes on the richest biological zones in our State.

The groundwater we depend on is similarly threatened by saltwater. As we draw from our aquifers, rising levels of sea water seep into the water table, accelerating their depletion.

This is not an abstract threat—it is right here at home, where we live.

Our national borders, our cities, our cultures, are all built around patterns

of rainfall, arable land, and coastlines that will be redrawn as global warming proceeds.

Even the richest nations, the historical source of the emissions behind global warming, will face huge costs coping with those catastrophes.

The poorest nations, whose economies have contributed little or nothing to the greenhouse gases in our atmosphere, will be hit the worst, and will have the fewest resources with which to respond.

And now a third category has emerged: the rapidly expanding developing nations which will be the leading sources of greenhouse gases in the future.

Those nations must be part of the solution. But the United States must be willing to lead.

In the course of becoming the wealthiest nation in history, we became the greatest historical emitter of greenhouse gases now in the atmosphere.

Now, other nations are following our path to wealth, and will become the next generation of major emitters.

It is no answer to say that we must now wait for poorer nations to act before we take steps to lead the way to a global solution.

That is not the leadership this global threat demands, Mr. President.

We must first reach agreement here on our domestic approach to global warming. That is why this debate is so crucial.

There will be honest differences on the best way to move to a low-carbon economy. But no serious analyst of this issue believes that the world can sustain business as usual.

This is a global problem, that demands a global solution. But that solution will be built on the commitments of each individual nation to do its part.

For too long, our differences have been stressed at the expense of the global good. Our constituents look to us to reconcile those differences, to find a way to respond in the name of the common good.

We are now engaged in the search to define and secure a truly global common good. I urge my colleagues to vote for cloture, to join in a constructive debate, in the best tradition of the Senate.

Thank you, Mr. President.

#### MORNING BUSINESS

#### REVERSAL OF THE HARTNESS V. NICHOLSON DECISION

MR. AKAKA. Mr. President, on April 24, 2008, the Senate passed S. 1315, the proposed Veterans' Benefits Enhancement Act of 2007. Although the bill passed the Senate by a vote of 96-1, there are some who oppose it, expressing the belief that provisions in the bill misallocate VA pension benefits to reward nonveterans. I seek to set the record straight on S. 1315.

S. 1315 is a comprehensive bill that would improve benefits and services for veterans, both young and old. The bill includes numerous enhancements to a broad range of veterans' benefits, including life insurance programs for disabled veterans, traumatic injury coverage for active duty servicemembers, and specially adapted housing and automobile and adaptive equipment benefits for individuals with severe burn injuries. In addition, the bill includes a provision that would correct an injustice done to World War II Filipino veterans over 60 years ago. It grants recognition and full veterans' status to these individuals, both those living inside and outside the United States.

Many Americans have forgotten that during World War II, the Philippines was not an independent nation as is the case today. The Philippines, along with Puerto Rico and Guam, was ceded to the United States in 1898 following the Spanish-American War. Although plans for Philippine independence from the United States were underway when World War II broke out, the United States government controlled the defense and foreign relations of the Philippines when the war began. It was not until 1946, after the end of World War II, that the Philippines became an independent nation. As a result of this relationship, Filipino veterans who fought under the United States Command were United States veterans until that status was taken away by Congress in 1946.

S. 1315, the bill as passed by the Senate, would overturn a 2006 decision of the United States Court of Appeals for Veterans Claims in the case *Hartness v. Nicholson*. The *Hartness* decision provided that certain veterans, those who receive a service pension benefit based solely on their age, qualify for additional benefits that are provided to very severely disabled veterans, a result not intended by Congress. The savings generated from overturning this court decision would pay for many provisions in the bill, including pension for Filipino veterans.

Despite the fact that the purpose of the provision in S. 1315 which reverses the *Hartness* decision is to do nothing more than restore the clear intent of Congress, it has been mischaracterized by some as an attempt to withdraw benefits from deserving veterans in order to fund benefits to Filipino veterans. That is simply not the case. Such accusations fail to appreciate the facts of the matter that led the Senate to take corrective action.

VA nonservice connected disability pension benefits have historically been paid to wartime veterans with low incomes who are disabled from conditions not connected to their service. Under current law, wartime veterans who receive pensions based upon disability are eligible to receive certain additional benefits if they are totally disabled and are also housebound, blind, or need the aid and attendance of

another person to perform daily activities.

The statutory provision involved in *Hartness* was enacted in 2001 so as to provide a service pension, not based on disability, to certain veterans. Under this law, older, low income wartime veterans are eligible for a service pension at age 65, without the need to demonstrate any disability. This service pension, which is similar to one provided many years ago to veterans of the Spanish American War, is found in the service pension section of the statute, not in the section of the law where pension for disabled veterans is found.

The court in *Hartness* ruled that elderly persons who are not totally disabled, but who receive a service pension based on age, could also receive the extra benefits available under the disability pension benefit program, even if they did not meet the threshold requirement of total disability. In so doing, the *Hartness* court failed to demonstrate an understanding of the difference between a service pension and a pension based on disability.

In passing the service pension law in 2001, Congress clearly created a separate program and did not intend the result in the *Hartness* decision. Congress intended that veterans who were disabled would receive benefits under the disability pension program, with the opportunity to receive the extra benefits if they were more seriously disabled. Veterans who met the age threshold, but who were not disabled, would receive benefits only under the service pension program, with no basis for receiving the extra benefits. The intent of this action was to create a bright line distinction between the two pension programs, but the actual statutory construction allowed for ambiguity, leading the court to misinterpret the law.

The provision passed by the Senate in S. 1315 would overturn the *Hartness* decision so as to reaffirm that the extra pension benefits are only for those severely disabled veterans who receive pension on the basis of being totally disabled. This result conforms to the original Congressional intent of reserving the special additional benefits for those who demonstrate the greatest need based on disability, not simply those who attain a certain age. Even with the repeal of *Hartness*, aged veterans who are totally disabled and who are also housebound or in need of aid and attendance would still qualify for additional money under the non-service connected disability pension program.

S. 1315 is now pending in the House of Representatives and there is some opposition to the bill that seems to stem from a misunderstanding of the purpose of VA pension benefits and the *Hartness* decision. Critics of the bill have suggested that it arbitrarily redistributes scarce VA benefits to the benefit of individuals to whom our government has no responsibility. These critics fail both to understand the his-

tory of the provisions construed in the *Hartness* decision and the service of Filipino veterans. Restoring the original purpose of the service pension law would provide the savings needed to pay for increased benefits for veterans with service-connected disabilities as well as justice for Filipino veterans of World War II.

#### COMMENDING CHECKPOINT ONE FOUNDATION

Mr. SMITH. Mr. President, today I wish to commend the work of the Checkpoint One Foundation, a non-profit organization based in Oregon. Checkpoint One assists Iraqis who have served as translators with the U.S. military. Under recent legislation authored by myself and my distinguished colleague Senator KENNEDY, many of these Iraqis are seeking refuge in the United States from persecution in Iraq.

Checkpoint One was founded by Jason Faler, one of many Oregonians drawn to public and humanitarian service. Jason served as a military intelligence officer with the Oregon Army National Guard in Iraq, where he worked with many brave Iraqis who risked their lives assisting U.S. troops. These Iraqis are far more than just people who translate Arabic to English; they are cultural advisers and loyal friends who help our soldiers survive in every dangerous and unfamiliar corner of Iraq. They stand shoulder to shoulder with Americans, facing the same bullets and bombs, but often without the same protections. In the face of death threats and attacks on them and their families, these Iraqis provide invaluable service to coalition forces. We are morally obligated to come to their aid, as they have come to ours.

In response to this obligation, Senator KENNEDY and I introduced The Refugee Crisis in Iraq Act last year to help bring translators and other Iraqis in peril to the United States. The act passed and was signed into law in January 2008. Unfortunately, more than 4 months later, key provisions of the law have not been implemented. The State Department and Department of Homeland Security have still not described how they plan to meet their new obligations. In-country processing is not available for Iraqi translators and others who are persecuted but unable to get out of Iraq. Translators remain waitlisted, in spite of the fact that 5,000 new special immigrant visas are supposed to be available to them. Instead, Iraqi translators remain in danger in the red zone, their path to safety still blocked by bureaucratic red tape.

Many of the interpreters who apply for these visas are living on borrowed time, actively hunted by an insurgency which has brutally murdered their friends and colleagues. The three families that Jason began helping with the application process in the fall of 2006 arrived in September 2007, January 2008, and March 2008, respectively. One family was kept waiting in Jordan for