

civil and human rights, and his steadfast dedication to the dispossessed—has lived on in this Chamber for the past 40 years through his brother, our distinguished colleague and friend, Senator TED KENNEDY. We are fortunate indeed that the Kennedy family's selfless service to our Nation has extended to younger generations. In the House of Representatives, I was proud to serve with Robert Kennedy's eldest son, Joe, and his nephew, Patrick. His eldest daughter, Kathleen Kennedy Townsend, served as Maryland's Lieutenant Governor for 8 years. But the Kennedy family's wonderful record of public service is not limited to elective office alone. Think of Joe Kennedy, who founded the Citizens Energy Corporation; or Robert Kennedy, Jr., who established the Waterkeeper Alliance; or Courtney Kennedy Hill, who worked as a representative for the United Nations AIDS Foundation. And I would be remiss not to mention Robert Kennedy's amazing wife, Ethel, widowed at the age of 40 with 10 children and pregnant with another. Her courage and grace are an inspiration to us all.

At Robert Kennedy's request, his grave consists of a plain white cross and a stone slab on which is inscribed a passage from his Day of Affirmation speech to South Africans. It reads:

Each time a man stands up for an ideal, or acts to improve the lot of others, or strikes out against injustice, he sends forth a tiny ripple of hope, and crossing each other from a million different centers of energy and daring, those ripples build a current that can sweep down the mightiest walls of oppression and resistance.

We can honor Robert Kennedy, his legacy, and his promise by standing up for an ideal, by acting to improve the lot of others, by striking out against injustice, and by sending forth those ripples of hope our Nation and the rest of the world so desperately need.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The junior Senator from Oregon is recognized.

Mr. SMITH. I thank the Presiding Officer.

#### GLOBAL CLIMATE CHANGE

Mr. SMITH. Mr. President, the Senate is engaged this week in a great debate, an important debate, on the vital issue of global climate change. I join that debate in order to find the best and most practical ways to ease our dependence on foreign oil, reduce pollution, and encourage clean energy.

Climate change is real. It is a problem, and it needs our response—for the sake of our economy, our environment, and our national security. Our country's energy future is one of the greatest challenges we will face in the coming decades. Addressing climate change is about what is good and what is right for our country, for our future. It is about how we reduce our reliance on foreign oil, develop a new sector in the American economy that will spur domestic manufacturing, and create mil-

lions of new jobs, all while reducing harmful greenhouse gas emissions.

These challenges are too great and the stakes are too high—America cannot take a backseat or sit on the sidelines. We simply must lead on this issue. We must make fundamental changes, and we must start now, today. We put a man on the Moon. We defeated communism. We even created an Internet world. Many thought the Internet was a fad, but look how it has changed our world in a decade. A renewable energy economy can and will do the same thing.

America is an exporter of our thoughts, our ideas, our dreams, our ideals. On the great challenges facing us today, we must reach high, challenge our thinking, and deliver results such as only the American people can deliver.

We are on an upward path with the emergence of green, renewable technologies in the State of Oregon—wind, solar, wave, and geothermal. Today, in Oregon, we are leading the way, from innovative biomass in Umatilla, to geothermal in Klamath Falls, to our long-lived hydropower dams and wind farms in eastern Oregon.

Jobs are being created in Oregon by companies that research and manufacture these new energy sources, boosting our economy, addressing climate change, and cutting our dependence on foreign oil.

Oregon and the Northwest already enjoy one of the best sources of green energy—our hydroelectric dams—a source of 100-percent carbon-free energy. These dams are not only critical to our economy but are a perfect example of existing sources of green energy.

In Oregon, we are leading the way in training the next generation workforce for green-collar jobs. Schools across Oregon—Oregon State University, Oregon Institute of Technology, Lane Community College, and Columbia Gorge Community College—are creating programs that will help supply our State and Nation with a vibrant and skilled workforce to accommodate a future of renewable, independent, and clean energy facilities.

Through a combination of Federal and State tax incentives, Oregon has been able to attract solar panel manufacturers, geothermal developers, fuel cell manufacturers, biomass facilities, and significant wind energy facilities.

Oregon has become a hub of investment in solar facilities. For example, SolarWorld, one of the biggest solar manufacturers on Earth, is investing over \$650 million in a manufacturing facility in Hillsboro, Oregon, that will employ over 1,000 people.

As the lead sponsor of legislation to provide for the long-term extension of the investment tax credit for solar and fuel cell facilities, I am encouraged by the investments solar and fuel cell companies are making in Oregon and across the Nation.

We must provide for the extension of these and other renewable energy tax

incentives in order to avoid the boom-bust cycle we see in these emerging technologies every time the tax credit is allowed to expire. That is an action we can and should take now that will produce results now.

We must set ourselves on a path to energy independence and reduce our oil consumption. That is why I fought successfully to increase our investment in renewable fuels such as those thriving back in Oregon. That is why Senator OBAMA and I passed a bill to raise the fuel efficiency standards for the first time in two decades for our automobiles in this country.

We have been making small strides. Now we need to make big ones. Renewable energy sources and less oil consumption will benefit not only our environment but our economy and our national security—energy sources, clean ones, produced here at home instead of imported from the Middle East.

The private sector in America is already visionary about a clean, strong economy. We in Congress must help and not hinder. This transformation will not happen overnight, but we can start now. We must start today. Right now, the sources of our fuel-efficient vehicles and renewable energy manufacturing too often come from foreign countries. If we do not take the lead going forward, these foreign countries will. To do so would put our country and our economy behind the eight ball, reliant upon others and not ourselves.

Right now, the world's fossil fuel is controlled by countries such as Iran, Venezuela, and Russia. We cannot let our national security and our economic security be at risk to the whims of rogue governments. Our reliance on foreign oil has gotten us into the entanglements that many of us wish had not happened. By investing in a clean energy future—a skilled green workforce, investment in the next generation of biofuels, the promotion of fuel-efficient transportation—we will depend on ourselves, not on others.

It is also time for America and this Congress to debate the merits of a new system to regulate carbon to reduce greenhouse gases and to reduce this country's carbon footprint. I know we can come together, in this Chamber and with the next President, to practically and effectively reduce the greenhouse gases we emit in this country.

To truly reduce carbon, the response must be global. We have all the tools. We have the will, the technology, the raw resources. It is time to move forward for the sake of our environment, for the sake of our economy, and for the sake of our national security. Success will only be found in setting aside partisan agendas and focusing on common-ground solutions.

Our country can do this, and we must lead. I have great confidence in the will of the American people. They know this must be done. I will help to make sure it is done.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The senior Senator from Kansas is recognized.

Mr. BROWNBACK. Mr. President, I thank the Presiding Officer for that recognition.

I thank the Presiding Officer in this body for the chance to address an important topic. I am glad we are discussing important topics. It is important we get a chance to bring up these topics. I, similar to many people, have spent a lot of time with experts and a lot of time with people in my State talking about climate change issues and how we can address them. I do not know of any topic that I have actually probably met with more scientists on, more individuals about, than the climate change topic. It is enormous, it is important, and it is something we need to talk about and address.

When traveling across Kansas—we have 105 counties in the State, and I have been to 57 of them now within the last 6 months, going to all 105 of them. We talk a lot about clean energy, and I talk about balancing the three Es—the energy, the environment, and the economy. We have to get these three Es balanced. They are like a cardboard piece balanced on a pencil. You can kind of tilt them a little bit, you can move it a little bit, but you cannot tank it one way or another. You have to move these three together.

Most people across Kansas looking at the issue generally agree with that. I want a clean environment. I want a healthy economy. I want energy sources here at home, and I do not want to pay too much for them. Most people are complaining bitterly today, as well they should be, about the high price of energy. It is way too high: \$4-a-gallon gasoline that people are having to pay. It is directly out of their pocketbooks. It is directly impacting their economy.

We are a big energy-using State. We have a lot of manufacturing, agriculture. Diesel fuel is very important to us. It is well over \$4 a gallon, getting up to \$5 a gallon in some places. This is a very high-energy formula, and the last thing people want today is to increase the cost of energy. At the same time, they recognize we need to deal with the environment, and we have to grow this economy. So I wish to talk about this in the sense of those three Es, being able to balance those together. I think we can and we should do that.

I read a paper recently that talked about the different waves of environmentalism. I thought it was quite good, and I think it is one this body should look at. The title of the paper was “The End of Environmentalism.” It was written by a couple of very strong environmentalists. They were talking about what needs to take place now. They were talking about the waves of environmentalism. They were saying the first wave of environmentalism, if I can paraphrase them appropriately,

was a conservation wave. The second wave was a regulatory wave. The third wave, that we are in right now, is an investment wave. That is the way you move this forward, through investment and through technology and for us to invest heavily in that next wave of technology, to be able to balance these three Es I talked about—energy, the economy, and the environment. That is the real way forward.

This bill does not get us going forward that way. The key for us to be able to do investment is to be able to have a very robust economy and for people to invest in these next-wave technologies, not to load additional costs onto the system. We can look at the cost of what they are today, and then you can look at the projected cost of what this bill would put on the American public and on the energy economy and, at the end of day, still not produce the sorts of results we need to have of strong key reductions in CO<sub>2</sub> and, at the same time, maintaining the economy and giving us enough energy to be able to move forward.

I would like to point out—and a number of my colleagues have already done this—what this bill will do on driving up the price of electricity. The Energy Information Administration predicts electric prices will be 64 percent higher in 2030 as a result of the bill, fuel prices 53 cents higher by 2030. Actually, I do not think anybody knows, other than they know it will be higher.

But I think the biggest stat came yesterday, for me, from Western Resources. It is a utility in my hometown of Topeka, KS, that provides electricity through much of the State. They are saying, at a \$20-a-ton cost for CO<sub>2</sub>, that is going to raise their fuel costs. It is going to more than double the cost of their fuel as compared to what they are looking at presently. We are getting the actual statistics. We are going to put that, later, in the RECORD. But this is going to be a dramatic increase in the price of electricity for people in Topeka, KS, and across my State.

We are a strong coal user, using coal out of the Powder River Basin. I think, as we look forward to the future, the answer is not: No, we are not going to use particular types of energy. It is how you use energy and you reduce your CO<sub>2</sub>, how you build the next generation of coal-fired plants and reduce the CO<sub>2</sub> footprint.

A very innovative project is being put forward in the western part of my State. There is a coal-fired plant, where they take the CO<sub>2</sub> stream—because we don't know how to do CO<sub>2</sub> sequestration on a massive scale yet—they take that CO<sub>2</sub> stream and run it through algae reactors and have the algae harvest, of sorts, the CO<sub>2</sub>; and they are building in their biological photosynthesis process and then taking the algae and making biodiesel out of that.

Yes, it is experimental, but it is on a large scale experimental, and it is the

sort of thing we ought to be looking to for us to invest in that next wave of environmentalism, being an investment wave, to see if we can make these things work in the interim, where we do not know how we are going to be able to sequester, and we cannot drive up too fast the cost of energy because energy prices are so high right now and people are very sensitive to energy prices, as well they should be. We should be sensitive to their sensitivity of energy prices.

I think the way we move this forward is with innovation and technology and investment rather than loading a lot of cost on a system that, at the end of the day, could well—and in all probability, from some of the projections, will have huge, substantial impacts and, indeed, may well have the adverse impact of driving things overseas. I think there is a lot in this bill that has unpredictable consequences other than, we know, an increased cost in the United States. That piece we do know about. But what will happen? How will industry react to this? Where will it go? We do know costs will go up for American consumers at a time when we can ill afford to do that; at a time when we would be better off taking those increased costs of investment and putting them into the next wave of technology. That is the route forward. That is the route to stabilize. That is the route to move us and to balance the three “e”s in this process as we move forward.

I am going to be putting forward different amendments and proposals to do just that; to see if we can put forward ideas, particularly in the agricultural sector, to help with carbon sequestration projects, to help with ethanol and biodiesel and wind and solar power, soybean and algae as an investment, as a way of storing it through a natural process, but not putting on a hard cap and trade that adds costs in the system. I think that is the sort of pioneering spirit—that is the sort of investment type of way—that we need to go forward.

I am pleased that an amendment I am working on with Senators STABENOW and CRAPO has the backing of the American Farm Bureau on a more robust effort on CO<sub>2</sub> sequestration via agriculture. I think that is a key way we can move forward and have some success.

Finally, I wish to note to my colleagues as well that we are woefully behind on getting judges approved for the circuit court. That was a subject that stalled this body yesterday and I predict to my colleagues that it is going to stall us a lot more if we don't start getting on track to increase the number and get to even a minimal number of circuit court nominees to be approved during the remainder of this Congress. We are at eight for this session of Congress. The low watermark was 15. We are not anywhere near close to getting that. It is a requirement of this body for us to be able to clear

judges through who get nominated by the President, and then let's vote up or down one way or the other. Let's consider them and let's get a minimum number. We had an agreement for three by the Memorial Day break. One was approved. There are several highly qualified judges in the system. For us to be able to get our business done, if we are going to get it done, we have to get some of these circuit court judges approved. If we don't, it is going to stall the body and we are going to stall it a lot, until we can get circuit court judges approved in some minimal number.

I know there is a lot of dispute about this. It is a need of this body. We need to do this and if we don't do it, things are going to slow down a lot. They are going to get jammed up a lot and it is going to be early and it is going to be very difficult for us to accomplish any other of our business.

I urge the leadership to come together and let's say: Here is the number we can approve by this date, and let's get that done or there are going to be a lot of things that are going to stop happening in this body until we can get those approved.

I yield the floor.

Mr. WARNER. Mr. President, it is my understanding that we are in morning business.

The PRESIDING OFFICER. That is correct.

Mr. WARNER. And that we will go on the bill, I understand, around noon?

The PRESIDING OFFICER. The Senator is correct. It will be approximately noon.

#### ORDER OF PROCEDURE

Mr. WARNER. Mr. President, at this time I ask unanimous consent that the three Senators—Senators WARNER, LIEBERMAN, and BOXER—could have 1 hour between 2 and 3.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. I thank the Chair.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The senior Senator from Washington State is recognized.

#### AERIAL REFUELING TANKERS

Mrs. MURRAY. Mr. President, over the years this Congress has spent countless hours fighting for the best and the safest equipment possible for our men and women in the military. Whether it was better weapons or enough body armor, armored humvees, we have all worked tirelessly to make sure our troops around the world have what they need to do their jobs and return home safely to their families.

I come to the floor today because the Pentagon is now on the verge of purchasing the next generation aerial refueling tankers. This is going to be a decision that will cost billions of dollars and affect our service members for

decades. But I have serious concerns about the administration's decision to buy these planes from Airbus, a subsidized company that has never produced refueling tankers before. I believe we must again fight to ensure that our troops and taxpayers get the right plane.

Now I am not the only one with these concerns. Because this contest was flawed from the very beginning and the rules were changed throughout, Boeing has filed its first ever protest of the bidding process with the Government Accountability Office. The GAO is now expected to make a ruling in the next few weeks and we are all awaiting their decision. But the GAO investigation has a very narrow scope. The GAO is only allowed to determine whether the letter of the law was followed in the selection process. It cannot look at anything beyond that. So even if it is obvious that the Airbus plane costs more or it has unproven technology, or it doesn't meet the intended mission, the GAO cannot take any action to ensure that the contract is justified or in the best interests of our military, or, in fact, our national security. So I have come to the floor today because I believe that because of the GAO's limited role, Congress must look carefully at whether major Defense acquisitions are in line with the concerns of the American people. We need real answers before we move forward on this contract, and we have to demand that the administration make the case for why we should buy—American taxpayers should buy—an unproven and very costly Airbus tanker.

Let me begin by outlining why I am so concerned. When you examine both of these planes carefully as I have done, it is clear that Boeing's tanker is superior. Yet even though I have asked numerous questions in committee hearings, in letters, in face-to-face meetings in my office, no one—no one—has been able to make the case for why we should buy the Airbus tanker; not the Air Force, not the Pentagon, and not even the Commander in Chief.

Compared to Boeing's tanker, Airbus's A-330 is, we all know, much larger, less efficient, and, in fact, more expensive. It is so big that that plane cannot use hundreds of our current hangars, our ramps, or our runways around the globe. It burns more fuel, and it is going to cost billions of dollars more to maintain over the lifetime of the fleet, yet the Pentagon has not explained why Airbus's plane is the better buy.

The Air Force competition found that the Boeing 767 is more survivable than the A-330. That means it is better equipped to protect our warfighters when they are in harm's way. Yet the Pentagon has not explained why in the world it wants to give the Air Force a plane that doesn't match up. Airbus has never built a refueling tanker. Its technology is unproven, and it is proposing to do some assembly at plants

in Alabama that haven't even been built. They don't exist. Yet the Pentagon has not explained why this is a better investment than the plane built by Boeing—the same company, by the way, that has been supplying our tankers for nearly 70 years.

I also have very serious questions about whether we should give a foreign company a multibillion-dollar contract to build a major piece of our military defense. If this contract goes forward, we would be handing billions of dollars in critical research and development funding to a foreign company, owned by foreign governments, to learn how to build a military plane that is flown by American air crews. Let me say that again. If this contract goes forward, we will be handing billions of dollars in critical research in funding to a foreign company, owned by foreign governments, to learn how to build a military plane that is flown by our American air crews. I am talking about airplanes that are the backbone of our entire military strength.

These tankers we are talking about refuel planes and aircraft from every single branch of our military. As long as we control the technology to build these tankers, we control our skies and we control our own security. Yet the Pentagon has not explained why it would let all of this slip away.

Finally, Airbus has always had a leg up on the American aerospace industry because the European Union floods it with subsidies. In fact, our Government has a case pending currently before the WTO accusing Airbus of illegal—illegal—business practices. So I am astounded that our Defense Department has not been able to answer why in the world, when we have a case pending before the WTO accusing Airbus of illegal—illegal business practices, that we would turn around and give them a major Defense contract. It does not make sense.

I am not the only one asking questions. Increasingly, even experts in military contracting are demanding answers too. One of those experts is Dr. Loren Thompson who, according to even the Secretary of our Air Force, was given access to inside information on the decisionmaking process. Dr. Thompson now believes that the contract process had been less than transparent and he recently wrote an article saying that he believes the military has failed to make its case about why it chose the Airbus plane. He wrote that he too wants an explanation for why the military believes the A-330 is superior to the 767, when Airbus's military air tanker is bigger—much bigger—much heavier, untested, and unproven. As he put it last week:

The service has failed to answer even the most basic questions about how the decision was made to deny the contract to Boeing. . . . The Air Force has some explaining to do.

As I said earlier, despite all of these questions, the GAO is not allowed to dig for these answers. In fact, its role