

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 BROWNBAC, 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 repeat 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