

# CUSTOMS FACILITATION AND TRADE ENFORCEMENT REAUTHORIZATION ACT OF 2009

Mr. BAUCUS. Mr. President, Representative John Randolph, chairman of the House Ways and Means Committee in the early 1800s, said, "We all know our duty better than we discharge it."

U.S. Customs and Border Protection, or CBP, and Immigration and Customs Enforcement, or ICE, have two vital duties. They must protect our national security by ensuring that threats to that security do not cross our borders, and they must protect our economic security by ensuring that legitimate trade does cross our borders, smoothly and quickly. I have no doubt that CBP and ICE know these duties. But they must do a better job of discharging their trade duties.

Senator GRASSLEY and I introduced a bill that would require the agencies to do just that. The Customs Facilitation and Trade Enforcement Reauthorization Act of 2009 would direct CBP and ICE to make customs facilitation and trade enforcement a priority again, and it would provide the agencies with the tools and resources that they need to fully discharge those duties.

These agencies know that high-level officials must focus on their trade duties. The bill would help the agencies discharge those duties by creating new high-level positions at CBP devoted exclusively to trade. The bill would assign new trade facilitation and enforcement duties to the highest level official at ICE.

The agencies know that they must facilitate and expedite legitimate trade across our borders. The bill would help the agencies to discharge those duties by providing trade facilitation benefits, such as faster customs clearance, to importers with a history of complying with U.S. customs and trade laws. The bill would also require the Secretary of Homeland Security to identify and provide trade facilitation benefits to importers that provide additional security information. The bill would provide funding for automated programs that would help CBP process imports more quickly.

The agencies know that they must enforce U.S. trade, intellectual property, and health and safety laws at our borders. The bill would help the agencies to discharge those duties by giving CBP new tools to identify goods that are most likely to violate these laws. It would give CBP the means to prevent those goods from crossing our borders. It would require ICE to do more to prevent the importation of goods made with forced, convict, or indentured labor.

The agencies know that they must listen to Congress and the business community when taking significant actions that affect America's competitiveness. The bill would help the agencies to discharge that duty by requiring CBP to engage in robust consultation before taking such steps.

The agencies know that they must serve rural border areas, such as those in my home State of Montana. The bill would help the agencies to discharge that duty by creating a pilot program to establish 24-hour ports along these border areas, ensuring that legitimate trade can flow quickly through these areas.

So let's come together to reauthorize CBP and ICE. Let's give these agencies the tools and resources they need to facilitate and enforce international trade. And let's help CBP and ICE to discharge these duties that are so essential to our economic security.

## EXPAND BUILDING ENERGY EFFICIENCY ACT OF 2009

Ms. SNOWE. Mr. President, I rise to speak about legislation that I introduced, the Expanding Building Efficiency Incentives Act of 2009, which would expand the tax incentives for building and put our country on course to reduce energy consumption in a sector that currently consumes 40 percent of our total energy. I am pleased to have worked with Senator FEINSTEIN and BINGAMAN, two longtime leaders on energy efficiency, on this proposal and look forward to discussing this bill with my Finance Committee colleagues.

One inexcusable legacy of this housing crisis is that the vast majority of homes constructed over the last 10 years during the housing boom have been inefficient. While an inefficient vehicle purchased today may guzzle gasoline for an average of 10 years, an inefficient building will require elevated levels of energy for as long as 50 years. Therefore, whenever we create inefficient buildings, generations to come will be saddled with our wasteful energy decisions. Last week McKinsey and Company in a report, "Unlocking Energy Efficiency in the US Economy," concluded that a major investment in energy efficiency could save \$1.2 trillion and cut consumption 23 percent by 2020. This legislation serves as a cornerstone to realizing these opportunities.

The Expanding Building Efficiency Incentives Act builds on current tax incentives that have worked to move the market toward energy efficiency. While the marginal costs of constructing an energy-efficient building may be higher than an inefficient building, the long-term energy savings have environmental and energy dividends, as well as ultimate cost savings. These tax incentives provide an incentive to correct this market failure and obtain these long-term benefits.

Specifically, the bill includes an extension of the current energy-efficient new homes tax credit for 3 years, which requires new homes to be 50 percent better than current code with respect to heating and cooling. In addition, this bill will create a new tier for a \$5,000 tax credit if a building consumes 50 percent less total energy than a

comparable building. The current tax credit system for new homes has been very successful. According to the Residential Energy Services Network, 4.6 percent of all new homes met these rigorous standards in 2008, which adds up to nearly 22,000 homes being at the cutting edge of energy efficiency. This tax credit is working and not only should we extend this tax credit, but we must build on this to encompass additional energy consumption in a new home.

In addition, the bill would provide a \$500 tax credit for individuals to become professional energy auditors, experts that can reduce our country's demand for oil, reduce carbon emissions, and save our struggling families money on their energy bills. In addition, a \$200 tax credit is established for homeowners to hire these professional energy auditors and analyze the deficiencies of an existing home and propose investments that will save the taxpayer money. As we move forward with dedicating significant resources to energy efficiency in this legislation it is critical that we ensure that this funding is utilized effectively by a professional energy efficiency industry and this amendment will accomplish this critical goal.

Finally, the amendment increases the tax credit for energy-efficient commercial buildings by increasing the deduction from \$1.80 cents per square foot to \$3.00 per square foot. The original version of the commercial buildings tax deduction as passed by the Senate set the deduction to \$2.25 per square foot, with the critical support of the current Finance chairman and ranking member. Adjusting for inflation, this corresponds to \$3.00 per square foot today with partial compliance increased to \$1.00 per square foot. These changes would return the deduction to viability as it was originally designed and ensure that commercial building developers are provided an adequate incentive to pursue energy efficiency.

Earlier this year, a New York Times editorial pointed out that we are an extremely energy inefficient economy—the 76th best country in the world. This must change if we are to retain our leadership in this world, and I look forward to working with my colleagues to improve our ranking and increase our country's energy efficiency.

## CLEANER, SECURE, AND AFFORDABLE THERMAL ENERGY ACT

Ms. SNOWE. Mr. President, I rise to speak about the Cleaner, Secure, and Affordable Thermal Energy Act, which I introduced with Senator BINGAMAN. This bill will add diversity to the fuel usage of Americans who are forced to use home heating oil, a heating source that has gone through wild price swings and last year reached historic prices. While I strongly believe that we must invest in weatherization and energy efficiency, I also believe that we must create diversity for thermal energy.

In my home State of Maine, roughly 80 percent of the population utilize heating oil to keep warm in the winter. In New England, 40 percent of homes use heating oil. As a result, on average nearly 4.7 billion gallons of heating oil are consumed by New England. This is not only an enormous cost to families across the region, but it creates massive greenhouse gas emissions and increases our country's demand of foreign oil. This is not merely a regional issue, this is a national issue and it should be a priority of Congress to reduce heating oil use in New England.

This bill builds on the current credits for nonbusiness energy property to provide an additional credit for conversion of homes using home heating oil to natural gas or biomass. Specifically, the bill provides a tax credit of \$3,500 for natural gas conversion and \$4,000 for biomass conversion. While natural gas is not available throughout the United States and is not widely available in Maine, I am hopeful that these incentives will provide an additional incentive to expand usage in regions that have access to natural gas supplies.

In regions that the rocky geology does not allow natural gas to be utilized, the bill includes a tax credit for biomass for thermal energy, such as wood pellets. Just this past July, International WoodFuels announced plans to construct a 100,000 ton per year pellet plant in Burnham, ME. This is from wood product that is harvested in Maine and can be used to replace home heating oil in the State. While I strongly believe that we must carefully develop policies to ensure that the expanded use of wood pellets will undermine existing forest industries, I strongly believe that we must encourage additional diversity of our home heating oil energy sources and wood pellets provide a viable pathway to energy diversity for the State of Maine.

I strongly believe that reducing the current consumption of home heating oil in the State of Maine, New England, and the country should be a major priority as we move forward with overhauling our energy policy, and I look forward to working with my colleagues to pass the Cleaner, Secure, and Affordable Thermal Energy Act into law.

#### COMMENDING SENATOR NORM COLEMAN

Ms. MURKOWSKI. Mr. President, I honor and bid farewell to my friend and our colleague, Senator Norm Coleman of Minnesota. Norm and I served together for 6 years in the Senate and on the Senate Foreign Relations Committee. He also served on the Agriculture, Aging, Homeland Security, and Small Business Committees. He has a legislative record to be proud of.

As our colleagues know, I have long enjoyed my work with Native people. Norm, throughout his tenure, was a steadfast friend of American Indian, Alaska Native, and Native Hawaiian

people and a strong advocate for the interests of the tribes in his home State of Minnesota. His voice will be missed in the U.S. Senate on these issues.

As a member of the Committee on Homeland Security and Governmental Affairs Norm pushed for drastic reforms in our Nation's emergency response and recovery capabilities in the wake of the failed response to Hurricane Katrina. He was diligent and steadfast in his desire to protect our country and deeply engaged in efforts to increase protections for our Nation's critical infrastructure.

I will remember Norm as one who had a love and appreciation for my State of Alaska. On several occasions he enjoyed the beauty of Alaska while seeking his prized king salmon on the Kenai River. Norm further extended his Alaska ties by hiring Jennifer Mies Lowe, who is married to my former chief of staff, George Lowe. Jennifer served Senator Stevens for many years before moving to Senator Coleman's office as his chief of staff.

Norm has a long record of public service fighting for Minnesotans. He served as mayor of St. Paul before being called by the people of Minnesota to come to the U.S. Senate. I expect that we have not heard the last of him.

In closing I would like to wish Norm, his wife Laurie, and children Jacob and Sarah the very best. Norm, thank you for your service to the Nation, the Senate, and Minnesota. I know Norm and his strong sense of service to his country, and while I will miss him in the Senate, I look forward to his next opportunity to serve.

#### NATURAL GAS IN A CLEAN ENERGY ECONOMY

Mr. UDALL of Colorado. Mr. President, I wish to discuss why we need a clean energy economy and how natural gas will be a critical component of our future energy mix.

We need legislation to move forward, to the President's desk, this year. To compete in a 21st century global economy, the United States must take immediate action to transition to a clean energy market, one that allows us to take advantage of the many different clean energy sources that our country has to offer.

Some have asked why we need to act on clean energy legislation.

Several of my colleagues this week have eloquently discussed the impacts of carbon pollution. In the West, we are already seeing indications of climate change through warmer winters and drier summers. This is a global challenge that we must address and not ignore. But, irrespective of the impacts of carbon pollution to our communities and environment, clean energy legislation really comes down to two things—our economic and national security.

Clean energy legislation will create millions of new jobs here at home and provide the basis for America's 21st century economy. Clean energy econ-

omy legislation will spur innovation in and accelerate the shift to clean and domestic energy sources. It will create a new industrial sector employing millions of Americans in the research, development, manufacture, sale, installation, and servicing of new energy technologies. With the U.S. leading the way, we will sell our new technologies to other countries throughout the world.

Clean energy legislation will also help strengthen our national security. The most obvious reason, of course, is that switching to clean, domestic sources of energy will reduce our dependence on foreign oil by shifting America toward cheaper, cleaner alternative energy sources like natural gas and wind power. Our current economy unfortunately depends on the importation of foreign oil from nations that do not have our best interests at heart, which creates threats to America's national security and puts our troops in harm's way.

Where does this leave us?

We need to jump-start our clean energy economy, and that means we need to invest in the wide range of energy sources that are available now, as well as research and development of future energy sources.

This is not about a silver bullet answer to our energy problems: it is, rather, like silver buckshot.

On the ground, that means we should encourage energy development of new renewable energy sources, find cleaner ways to use traditional energy sources like coal and oil, and expand our use of clean, mature technologies like nuclear and natural gas.

Natural gas, in particular, often does not get the attention that it deserves among our diverse portfolio of clean energy sources.

Natural gas will be the bridge between today's economy and our clean energy future.

It is the cleanest of the fossil fuels and has the lowest greenhouse gas emissions per unit of energy, emitting about half of the CO<sub>2</sub> of coal when burned for electricity generation.

Furthermore, the technology is already being used by utilities across the country. Let me emphasize again—this is mature technology that is already in use across the country to power our homes and businesses.

In fact, natural gas accounts for 24 percent of the energy consumption in this country and approximately 98 percent of U.S. natural gas consumption originates right here in North America, principally from the United States and Canada.

Using natural gas means that we do not have to depend on foreign governments determining the cost of our energy or whether or not we even have access to it. And increasing natural gas production and use means that we are creating jobs and supporting families here at home.

Natural gas is an abundant resource across our country.