

In my judgment, this new paradigm renders obsolete Geneva's strict limitations on questioning of enemy prisoners and renders quaint some of its provisions.

And when it comes to Guantanamo, Attorney General Gonzales has expressed strong objections to closing the detention facility and moving detainees to the United States.

The New York Times reported on March 22 of this year that Mr. Gates argued to close Guantanamo. But according to administration officials—this is the newspaper only:

Mr. Gates's arguments were rejected after Attorney General Gonzales and some other Government lawyers expressed strong objections to moving detainees to the United States, a stance that was backed by the Office of the Vice President.

And despite the fact that the U.S. Code states "the Foreign Intelligence Surveillance Act shall be the exclusive means" by which electronic surveillance may be conducted, the Attorney General has argued that the language used in the authorization for use of military force implicitly authorized the President to exercise powers, "including the collection of enemy intelligence."

In his prepared testimony from January 2006, he stated:

The Supreme Court confirmed that the expansive language of the resolution—"all necessary and appropriate force"—ensures that the congressional authorization extends to traditional incidents of waging war . . . [and] the use of communications intelligence to prevent enemy attacks is a fundamental and well-accepted incident of military force.

He is thereby saying that Guantanamo is a creature of this and, therefore, legal. I don't agree with that assessment.

I believe each of these legal opinions has had dramatic negative consequences, including negatively impacting America's relationship with most countries abroad.

Finally, and perhaps most disturbing, the Senate has heard testimony from Deputy Attorney General James Comey that calls into question the Attorney General's character and integrity.

Mr. Comey testified about the conversation in the intensive care unit of George Washington University Hospital where he witnessed then-White House Counsel Gonzales "trying to take advantage of a very sick man" to reverse a judgment that the Terrorist Surveillance Program was illegal.

The testimony—his testimony, Comey's testimony—raised questions about actions that are contrary to the ethical standards lawyers are required to uphold.

Mr. Comey's testimony stands in sharp contrast to the statements made by Mr. Gonzales to the Senate about this incident.

In response to Senators' questions on February 6, 2006, the Attorney General left the impression that any reports of disagreement within the administration about the surveillance program were either inaccurate or in reference to some other program or issue.

He said:

There has not been any serious disagreement [about the program] . . . The point I want to make is that, to my knowledge, none of the reservations dealt with the program that we are talking about today.

That was under oath, Mr. President, before us. He didn't tell us about this. He didn't tell us that he went, as White House Counsel, to a critically ill man's intensive care unit bed and tried to reverse a decision that the Acting Attorney General was making. It wasn't until Mr. Comey came forward and told us about it did we know.

What do I conclude? Each of these issues is serious on its own and each would raise serious questions about the qualifications and service of this Attorney General. The Department of Justice is charged with enforcing the law and protecting all Americans' rights and security. The Attorney General must enforce the law without fear or favor to its political ramifications. He must act independently and pursue justice wherever it may lead, and without compromise. He must uphold the highest ethical standards.

Let me quote again from President Lincoln's Attorney General:

[t]he office I hold is not properly political, but strictly legal; and it is my duty, above all other ministers of State, to uphold the law and to resist all encroachments from whatever quarter. . . .

This is what the Attorney General should be. That is why I am going to support the motion to close off debate and support the resolution.

I thank the Chair. I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

CREATING LONG-TERM ENERGY ALTERNATIVES FOR THE NATION ACT OF 2007—MOTION TO PROCEED.

The PRESIDING OFFICER. Under the previous order, the hour of 3:30 p.m. having passed, the Senate will resume consideration of the motion to proceed to H.R. 6, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 6) to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

The PRESIDING OFFICER. Under the previous order, the time until 4:30 p.m. shall be equally divided and controlled between the chairman and ranking member of the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that we be allowed to equally divide a full hour, which was our plan this afternoon.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Some of that time may be yielded back, but I didn't want to cut off anyone who wishes to speak on this issue before we go to a vote.

Mr. President, today we begin consideration of energy legislation in the Senate. Later today, we will be voting to take up legislation that will make a meaningful and bipartisan contribution to charting a new direction for America's energy policy.

There is a growing consensus among Federal, State, and local policymakers across the ideological spectrum, also from corporate leaders and the American public in general, that our Nation needs to move faster and needs to go farther to secure its energy future.

America's family farmers and businesses look no further than the prices that are posted at the corner gas station to see the vivid and daily indicators of the economic perils inherent in maintaining the status quo. In fact, they have watched as gas prices have stayed at more than \$3 per gallon for well over a month.

Our national security experts cite the geopolitical implications and the foreign policy challenges presented by the rise of State-owned energy companies and by our own growing dependence on oil imports. In 2005, the United States imported roughly 60 percent of the petroleum that we consumed. Without decisive action, that figure is expected to approach 70 percent over the next two decades, with more than 35 percent of that increase expected to come from member nations of OPEC or the Organization of Petroleum Exporting Countries.

Meanwhile, economists take note of our energy policy's fiscal implications as well related to America's global competitiveness. In 2005 and 2006, our dependence on petroleum imports combined with rising prices to add an estimated \$120 billion to our Nation's trade deficit.

There is no doubt there is a compelling case for action, but there is also something more fundamental that is embedded in the American consciousness that is animating the national call for a new direction in our energy policy.

President Franklin Roosevelt once observed:

The creed of our democracy is that liberty is acquired and kept by men and women who are strong and self-reliant.

Perhaps it is this American principle of self-reliance that is driving national debate forward when it comes to energy policy.

After all, by tapping America's limitless capacity for innovation, our most abundant renewable resource, the United States can become more energy self-sufficient. Americans believe we can and should lead the world when it comes to developing the new technologies that will produce clean alternative energy and help us to address the threat of global warming. Inherent in this grand challenge is enormous opportunity—opportunity to build a