

spending. That is certainly an important start—and there is plenty to cut—but in order to truly get our fiscal house in order, we must look at the entire budget. We must repair our entitlement programs—Medicaid, Medicare, and Social Security.

Entitlement reform should be an issue that brings us all together—Republicans, Democrats, Independents—to ensure we keep our promises to those who are relying on those programs, while making sure future generations don't pay for our failure to address the fiscal reality of these programs right now. This is certainly an issue that requires Presidential leadership, and I join others in my party in inviting the President to work across party lines to address this urgent priority. The American people deserve a substantive, responsible debate on how we can preserve these programs in a fiscally sustainable way. We simply cannot continue to put off making the difficult decisions today and passing them on to the next generation.

With our trillion dollar-plus deficits and rapidly accelerating debt, we are again closing in on our debt ceiling. Having to repeatedly increase the debt limit represents a broad failure of leadership by politicians from both parties. As a new Member of the Senate, I refuse to perpetuate that cycle. We cannot let this moment pass us by, and I cannot in good conscience raise our debt ceiling without Congress passing real and meaningful reforms to reduce spending. That plan should include a balanced budget amendment, statutory spending caps, spending cuts, and entitlement reform.

We can no longer afford the status quo or business as usual in Washington. The days of spending as though there is no tomorrow to bring home the bacon must end. The fiscal crisis that threatens our Union threatens all of us. We will have to make sacrifices. There will be times when we have to put aside our parochial interests and appreciate that the only way we will be able to cut spending is for all of us to take shared responsibility and to make shared sacrifices for the great country we love.

Make no mistake, out-of-control spending jeopardizes our Nation's economic strength and costs us jobs. One thing is for sure: We cannot spend our way to prosperity. We need look no further than the stimulus package to prove that stubborn fact.

The reality is that government doesn't create jobs. Small businesses and entrepreneurs create jobs. What we can do in the Senate is to help create the right tax and regulatory conditions to allow our businesses to thrive and grow.

Despite the circumstances we face, we are blessed to live in the greatest country in the world. There has never been a challenge we have not faced and met and overcome and been better for.

When I think of what it will take to address the challenges before us, I am

reminded of my 95-year-old grandfather, John Sullivan, who is a World War II veteran and what his generation went through and what he did. My grandfather landed on the beaches of Normandy, and he is part of what is known as the "greatest generation" of our country.

Every generation is called upon anew to preserve our country. In my view, this generation's greatest challenge is having the courage and the will to take on and fix our fiscal crisis and get our fiscal house in order once and for all. This is our time to show we have the fortitude and the courage to do what is right to preserve the greatest Nation on Earth.

I know we can do this, and it is truly humbling to have the opportunity to serve in this body at a time when I know leadership and courage will make all the difference. On behalf of the people of New Hampshire, I stand ready to fight for our great country and to work with my colleagues on both sides of the aisle to address our fiscal crisis. I remain confident that America's best days still lie ahead of us.

Thank you very much, Madam President. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky.

Mr. MCCONNELL. Madam President, I wish to congratulate our new colleague on her initial speech related to the twin problems we have in this country of spending and debt, as well as to say to her that it is pretty clear to all of us that she is a worthy successor to our good friend Judd Gregg whose seat she now occupies and who was also a leader in this body—some would argue the leader in this body—on the questions of our Nation's fiscal crisis and how to get it in order. So on behalf of all of our colleagues, I congratulate Senator AYOTTE.

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

Mr. MERKLEY. Madam President, I also wish to congratulate my colleague from New Hampshire. It is an extraordinary privilege to serve in this Chamber and it is a long tradition of the Chamber to utilize one's first speech or maiden speech as an opportunity to address something that is close to one's heart. I extend a warm welcome to her and to her voice, her intellect, and her passion on issues that we must, on both sides of the aisle, work to resolve in order to build a better America and put America back on track.

I thank the Chair.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

SBIR/STTR REAUTHORIZATION ACT OF 2011

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 493, which the clerk will report.

The bill clerk read as follows:

A bill (S. 493) to reauthorize and improve the SBIR and STTR programs, and for other purposes.

Pending:

McConnell amendment No. 183, to prohibit the Administrator of the Environmental Protection Agency from promulgating any regulation concerning, taking action relating to, or taking into consideration the emission of a greenhouse gas to address climate change.

Vitter amendment No. 178, to require the Federal Government to sell off unused Federal real property.

Inhofe (for Johanns) amendment No. 161, to amend the Internal Revenue Code of 1986 to repeal the expansion of information reporting requirements to payments made to corporations, payments for property and other gross proceeds, and rental property expense payments.

Cornyn amendment No. 186, to establish a bipartisan commission for the purpose of improving oversight and eliminating wasteful government spending.

Paul amendment No. 199, to cut \$200,000,000,000 in spending in fiscal year 2011.

Sanders amendment No. 207, to establish a point of order against any efforts to reduce benefits paid to Social Security recipients, raise the retirement age, or create private retirement accounts under title II of the Social Security Act.

Hutchison amendment No. 197, to delay the implementation of the health reform law in the United States until there is final resolution in pending lawsuits.

Coburn amendment No. 184, to provide a list of programs administered by every Federal department and agency.

Pryor amendment No. 229, to establish the Patriot Express Loan Program under which the Small Business Administration may make loans to members of the military community wanting to start or expand small business concerns.

Landrieu amendment No. 244 (to amendment No. 183), to change the enactment date.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

Ms. LANDRIEU. Madam President, I ask unanimous consent that Coburn amendment No. 281 replace amendment No. 223 in the agreement we reached last evening. This is an updated version of Senator COBURN's amendment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Ms. LANDRIEU. Madam President, under the previous agreement that was reached last evening—and I want to thank both leaders, Senators REID and MCCONNELL, for working so hard with Senator SNOWE and me to try to bring our caucuses to conclusion points on this very important bill, the small business innovation bill, that we have been negotiating now for almost 2 weeks. It is a very important program that deserves to be reauthorized.

This bill will reauthorize this important program for 8 years. We have been operating the last 4 years with 3 months at a time and 6 months at a time. Madam President, representing New York, you know that many of your small businesses have accessed this program, many of your universities, to acquire or to reach cutting-edge technologies that not only our

Federal agencies need but taxpayers benefit from directly.

This program is a job creator. It is an innovative program, and it is a job creator. So I appreciate the work our two leaders have done with Senator SNOWE and myself to get us to this agreement.

We will be having seven votes this afternoon. Just to recap, they will be Baucus No. 236, Stabenow No. 277, Rockefeller No. 215, Coburn No. 217, Coburn No. 281, Coburn No. 273, which is a side-by-side, I think, and Inouye No. 286. Those have already been agreed to, but, Madam President, our challenge is that we have 124 additional amendments that have been filed, most of which have nothing to do with either the Small Business Administration or this program. We understand Senators are frustrated and want floor time for their issues, but taxpayers need this program that works.

We are eliminating some programs at the Federal level that don't work, but this one does. So we need to try to find a way to get it authorized and continue the good economic numbers we are hearing coming out of Treasury and other independent think tanks that are saying jobs are being created.

The recession looks as though it is potentially coming to an end. We are creating net new jobs every month. This is a program that supports that. It is a great foundation program based on cutting-edge research and innovation that helps small businesses in the country who are the job creators.

So I ask Members on both sides to work cooperatively throughout the day today. We are going to have a vote on these seven amendments this afternoon, as previously agreed to, and we will be considering and trying to work with Members on some of their other issues. If we could get a good, strong small business bill agreed to this week and sent over to the House as we resolve these very tough negotiations on the budget, we can be proud to, at some point very soon, send this bill with a few attached amendments, hopefully—not many but a few—to the President's desk for signature.

So, again, I thank the Members for their cooperation, and I suggest the absence of a quorum.

I am sorry, Madam President. Let me take back that request.

AMENDMENTS NOS. 236, 277, 215, 217, 281, 273, AND 286

Ms. LANDRIEU. Madam President, under the previous agreement we were able to get to last evening, I call up the amendments I previously cited.

The ACTING PRESIDENT pro tempore. The clerk will report.

The bill clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU] proposes amendments en bloc numbered 236, 277, 215, 217, 281, 273, and 286.

The amendments are as follows:

AMENDMENT NO. 236

(Purpose: To prohibit the regulation of greenhouse gases from certain sources)

At the end, add the following:

SEC. ____ GREENHOUSE GAS-RELATED EXEMPTIONS FROM PERMITTING REQUIREMENTS.

(a) PURPOSES.—The purposes of this section are—

(1) to ensure that the greenhouse gas emissions from certain sources will not require a permit under the Clean Air Act (42 U.S.C. 7401 et seq.); and

(2) to exempt greenhouse gas emissions from certain agricultural sources from permitting requirements under that Act.

(b) AMENDMENT.—Title III of the Clean Air Act (42 U.S.C. 7601 et seq.) is amended by adding at the end the following:

“SEC. 329. GREENHOUSE GAS-RELATED EXEMPTIONS FROM PERMITTING REQUIREMENTS.

“(a) DEFINITION OF GREENHOUSE GAS.—In this section, the term ‘greenhouse gas’ means any of the following:

- “(1) Carbon dioxide.
- “(2) Methane.
- “(3) Nitrous oxide.
- “(4) Sulfur hexafluoride.
- “(5) Hydrofluorocarbons.
- “(6) Perfluorocarbons.
- “(7) Nitrogen trifluoride.
- “(8) Any other anthropogenic gas, if the Administrator determines that 1 ton of the gas has the same or greater effect on global climate change as does 1 ton of carbon dioxide.

“(b) NEW SOURCE REVIEW.—

“(1) MODIFICATION OF DEFINITION OF AIR POLLUTANT.—For purposes of determining whether a stationary source is a major emitting facility under section 169(1) or has undertaken construction pursuant to section 165(a), the term ‘air pollutant’ shall not include any greenhouse gas unless the gas is subject to regulation under this Act for reasons independent of the effects of the gas on global climate change.

“(2) THRESHOLDS FOR EXCLUSIONS FROM PERMIT PROVISIONS.—No requirement of part C of title I shall apply with respect to any greenhouse gas unless the gas is subject to regulation under this Act for reasons independent of the effects of the gas on global climate change or the gas is emitted by a stationary source—

- “(A) that is—
- “(i) a new major emitting facility that will emit, or have the potential to emit, greenhouse gases in a quantity of at least 75,000 tons of carbon dioxide equivalent per year; or
- “(ii) an existing major emitting facility that undertakes construction which increases the quantity of greenhouse gas emissions, or which results in emission of greenhouse gases not previously emitted, of at least 75,000 tons carbon dioxide equivalent per year; and

“(B) that has greenhouse gas emissions equal to or exceeding 250 tons per year in mass emissions or, in the case of any of the types of stationary sources identified in section 169(1), 100 tons per year in mass emissions.

“(3) AGRICULTURAL SOURCES.—In calculating the emissions or potential emissions of a source or facility, emissions of greenhouse gases that are subject to regulation under this Act solely on the basis of the effect of the gases on global climate change shall be excluded if the emissions are from—

- “(A) changes in land use;
- “(B) the raising of commodity crops, stock, dairy, poultry, or fur-bearing animals, or the growing of fruits or vegetables; or
- “(C) farms, plantations, ranches, nurseries, ranges, orchards, and greenhouses or other similar structures used primarily for the raising of agricultural or horticultural commodities.

“(c) TITLE V OPERATING PERMITS.—Notwithstanding any provision of title III or

title V, no stationary source shall be required to apply for, or operate pursuant to, a permit under title V, solely on the basis of the emissions of the stationary source of greenhouse gases that are subject to regulation under this Act solely on the basis of the effect of the greenhouse gases on global climate change, unless those emissions from that source are subject to regulation under this Act.”.

AMENDMENT NO. 277

(Purpose: To suspend, for 2 years, any Environmental Protection Agency enforcement of greenhouse gas regulations, to exempt American agriculture from greenhouse gas regulations, and to increase the number of companies eligible to participate in the successful Advanced Energy Manufacturing Tax Credit Program)

On page 116, after line 24, add the following:

SEC. 504. SUSPENSION OF STATIONARY SOURCE GREENHOUSE GAS REGULATIONS.

(a) DEFINED TERM.—In this section, the term “greenhouse gas” means—

- (1) water vapor;
- (2) carbon dioxide;
- (3) methane;
- (4) nitrous oxide;
- (5) sulfur hexafluoride;
- (6) hydrofluorocarbons;
- (7) perfluorocarbons; and
- (8) any other substance subject to, or proposed to be subject to, any regulation, action, or consideration under the Clean Air Act (42 U.S.C. 7401 et seq.) to address climate change.

(b) IN GENERAL.—Except as provided in subsection (d), and notwithstanding any provision of the Clean Air Act (42 U.S.C. 7401 et seq.), any requirement, restriction, or limitation under such Act relating to a greenhouse gas that is designed to address climate change, including any permitting requirement or requirement under section 111 of such Act (42 U.S.C. 7411), for any source other than a new motor vehicle or a new motor vehicle engine (as described in section 202(a) of such Act (42 U.S.C. 7521(a)), shall not be legally effective during the 2-year period beginning on the date of the enactment of this Act.

(c) TREATMENT.—Notwithstanding any other provision of law, any action by the Administrator of the Environmental Protection Agency before the end of the 2-year period described in subsection (b) that causes greenhouse gases to be pollutants subject to regulation under the Clean Air Act (42 U.S.C. 7401 et seq.), except for purposes other than addressing climate change, shall not be legally effective with respect to any source other than a new motor vehicle or a new motor vehicle engine (as described in section 202 of such Act).

(d) EXCEPTIONS.—Subsections (b) and (c) shall not apply to—

- (1) the implementation and enforcement of the rule entitled “Light-Duty Vehicle Greenhouse Gas Emission Standards and Corporate Average Fuel Economy Standards” (75 Fed. Reg. 25324 (May 7, 2010) and without further revision);
- (2) the finalization, implementation, enforcement, and revision of the proposed rule entitled “Greenhouse Gas Emissions Standards and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles” published at 75 Fed. Reg. 74152 (November 30, 2010);
- (3) any action relating to the preparation of a report or the enforcement of a reporting requirement; or
- (4) any action relating to the provision of technical support at the request of a State.

SEC. 505. GREENHOUSE GAS EMISSIONS FROM AGRICULTURAL SOURCES.

In calculating the emissions or potential emissions of a source or facility, emissions of greenhouse gases that are subject to regulation under title III of the Clean Air Act (42 U.S.C. 7601 et seq.) solely on the basis of the effect of the gases on global climate change shall be excluded if the emissions are from—

- (1) changes in land use;
- (2) the growing of commodities, biomass, fruits, vegetables, or other crops;
- (3) the raising of stock, dairy, poultry, or fur-bearing animals; or
- (4) farms, forests, plantations, ranches, nurseries, ranges, orchards, greenhouses, or other similar structures used primarily for the raising of agricultural or horticultural commodities.

SEC. 506. EXTENSION OF THE ADVANCED ENERGY PROJECT CREDIT.

(a) IN GENERAL.—Subsection (d) of section 48C of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(6) ADDITIONAL 2011 ALLOCATIONS.—
“(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this paragraph, the Secretary, in consultation with the Secretary of Energy, shall establish a program to consider and award certifications for qualified investments eligible for credits under this section to qualifying advanced energy project sponsors with respect to applications received on or after the date of the enactment of this paragraph.

“(B) LIMITATION.—The total amount of credits that may be allocated under the program described in subparagraph (A) shall not exceed the 2011 allocation amount reduced by so much of the 2011 allocation amount as is taken into account as an increase in the limitation described in paragraph (1)(B).

“(C) APPLICATION OF CERTAIN RULES.—Rules similar to the rules of paragraphs (2), (3), (4), and (5) shall apply for purposes of the program described in subparagraph (A), except that—

“(i) CERTIFICATION.—Applicants shall have 2 years from the date that the Secretary establishes such program to submit applications.

“(ii) SELECTION CRITERIA.—For purposes of paragraph (3)(B)(i), the term ‘domestic job creation (both direct and indirect)’ means the creation of direct jobs in the United States producing the property manufactured at the manufacturing facility described under subsection (c)(1)(A)(i), and the creation of indirect jobs in the manufacturing supply chain for such property in the United States.

“(iii) REVIEW AND REDISTRIBUTION.—The Secretary shall conduct a separate review and redistribution under paragraph (5) with respect to such program not later than 4 years after the date of the enactment of this paragraph.

“(D) 2011 ALLOCATION AMOUNT.—For purposes of this subsection, the term ‘2011 allocation amount’ means \$5,000,000,000.

“(E) DIRECT PAYMENTS.—In lieu of any qualifying advanced energy project credit which would otherwise be determined under this section with respect to an allocation to a taxpayer under this paragraph, the Secretary shall, upon the election of the taxpayer, make a grant to the taxpayer in the amount of such credit as so determined. Rules similar to the rules of section 50 shall apply with respect to any grant made under this subparagraph.”

(b) PORTION OF 2011 ALLOCATION ALLOCATED TOWARD PENDING APPLICATIONS UNDER ORIGINAL PROGRAM.—Subparagraph (B) of section 48C(d)(1) of such Code is amended by inserting “(increased by so much of the 2011 allocation amount (not in excess of \$1,500,000,000)

as the Secretary determines necessary to make allocations to qualified investments with respect to which qualifying applications were submitted before the date of the enactment of paragraph (6))” after “\$2,300,000,000”.

(c) CONFORMING AMENDMENT.—Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting “48C(d)(6)(E),” after “36C,”.

AMENDMENT NO. 215

(Purpose: To suspend, until the end of the 2-year period beginning on the date of enactment of this Act, any Environmental Protection Agency action under the Clean Air Act with respect to carbon dioxide or methane pursuant to certain proceedings, other than with respect to motor vehicle emissions)

At the end, add the following:

TITLE VI—BUSINESS INCUBATOR PROMOTION**SEC. 601. SHORT TITLE.**

This title may be cited as the “EPA Stationary Source Regulations Suspension Act”.

SEC. 602. SUSPENSION OF CERTAIN EPA ACTION.

(a) IN GENERAL.—Except as provided in subsection (b), notwithstanding any provision of the Clean Air Act (42 U.S.C. 7401 et seq.), until the end of the 2-year period beginning on the date of enactment of this Act, the Administrator of the Environmental Protection Agency may not take any action under the Clean Air Act (42 U.S.C. 7401 et seq.) with respect to any stationary source permitting requirement or any requirement under section 111 of that Act (42 U.S.C. 7411) relating to carbon dioxide or methane.

(b) EXCEPTIONS.—Subsections (a) and (c) shall not apply to—

(1) any action under part A of title II of the Clean Air Act (42 U.S.C. 7521 et seq.) relating to the vehicle emissions standards;

(2) any action relating to the preparation of a report or the enforcement of a reporting requirement; or

(3) any action relating to the provision of technical support at the request of a State.

(c) TREATMENT.—Notwithstanding any other provision of law, no action taken by the Administrator of the Environmental Protection Agency before the end of the 2-year period described in subsection (a) (including any action taken before the date of enactment of this Act) shall be considered to make carbon dioxide or methane a pollutant subject to regulation under the Clean Air Act (42 U.S.C. 7401 et seq.) for any source other than a new motor vehicle or new motor vehicle engine, as described in section 202(a) of that Act (42 U.S.C. 7521(a)).

AMENDMENT NO. 217

(Purpose: To save at least \$8.5 million annually by eliminating an unnecessary program to provide federal funding for covered bridges)

At the end of title V add the following:

SEC. . ELIMINATING THE NATIONAL HISTORIC COVERED BRIDGE PRESERVATION PROGRAM.

(a) REPEAL.—Section 1224 of the Transportation Equity Act for the 21st Century (Public Law 105-178; 112 Stat. 225; 112 Stat. 837) is repealed.

(b) FUNDING.—Notwithstanding any other provision of law—

(1) no Federal funds may be expended on or after the date of enactment of this Act for the National Historic Covered Bridge Preservation Program under the section repealed by subsection (a); and

(2) any funds made available for that program that remain unobligated as of the date of enactment of this Act shall be rescinded and returned to the Treasury.

AMENDMENT NO. 281

(Purpose: To save at least \$20 million annually by ending federal unemployment payments to jobless millionaires and billionaires)

At the end of title V, add the following:

SEC. . ENDING UNEMPLOYMENT PAYMENTS TO JOBLESS MILLIONAIRES AND BILLIONAIRES.

(a) PROHIBITION.—Notwithstanding any other provision of law, no Federal funds may be used to make payments of unemployment compensation (including such compensation under the Federal-State Extended Compensation Act of 1970 and the emergency unemployment compensation program under title IV of the Supplemental Appropriations Act, 2008) to an individual whose adjusted gross income in the preceding year was equal to or greater than \$1,000,000.

(b) COMPLIANCE.—Unemployment Insurance applications shall include a form or procedure for an individual applicant to certify the individual’s adjusted gross income was not equal to or greater than \$1,000,000 in the preceding year.

(c) AUDITS.—The certifications required by (b) shall be auditable by the U.S. Department of Labor or the U.S. Government Accountability Office.

(d) STATUS OF APPLICANTS.—It is the duty of the states to verify the residency, employment, legal, and income status of applicants for Unemployment Insurance and no federal funds may be expended for purposes of determining an individual’s eligibility under this Act. Effective Date.—The prohibition under subsection (a) shall apply to weeks of unemployment beginning on or after the date of the enactment of this Act.

AMENDMENT NO. 273

(Purpose: To save at least \$5 billion by consolidating some duplicative and overlapping government programs)

At the end of title V, add the following:

SEC. . CONSOLIDATING UNNECESSARY DUPLICATIVE AND OVERLAPPING GOVERNMENT PROGRAMS.

Notwithstanding any other provision of law, not later than 150 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall coordinate with the heads of the relevant department and agencies to—

(1) use available administrative authority to eliminate, consolidate, or streamline Government programs and agencies with duplicative and overlapping missions identified in the March 2011 Government Accountability Office report to Congress entitled “Opportunities to Reduce Potential Duplication in Government Programs, Save Tax Dollars, and Enhance Revenue” (GAO-11-318SP) and apply the savings towards deficit reduction;

(2) identify and report to Congress any legislative changes required to further eliminate, consolidate, or streamline Government programs and agencies with duplicative and overlapping missions identified in the March 2011 Government Accountability Office report to Congress entitled “Opportunities to Reduce Potential Duplication in Government Programs, Save Tax Dollars, and Enhance Revenue” (GAO-11-318SP);

(3) determine the total cost savings that shall result to each agency, office, and department from the actions described in subsection (1); and

(4) rescind from the appropriate accounts the amount greater of—

(A) \$5,000,000,000; or

(B) the total amount of cost savings estimated by paragraph (3).

AMENDMENT NO. 286

(Purpose: To provide for the Director of the Office of Management and Budget to submit recommended rescissions in accordance with the Congressional Budget and Impoundment Control Act of 1974 for Government programs and agencies with duplicative and overlapping missions)

At the end of title V, add the following:

SEC. ____ . CONSOLIDATING UNNECESSARY DUPLICATIVE AND OVERLAPPING GOVERNMENT PROGRAMS.

Notwithstanding any other provision of law, not later than 150 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall—

(1) compile a list of Government programs and agencies selected from the Government programs and agencies with duplicative and overlapping missions identified in the March 2011 Government Accountability Office report to Congress entitled “Opportunities to Reduce Potential Duplication in Government Programs, Save Tax Dollars, and Enhance Revenue” (GAO-11-318SP); and

(2) in accordance with the Congressional Budget and Impoundment Control Act of 1974, submit to Congress recommended amounts of rescissions of budget authority for Government programs and agencies on that list.

AMENDMENT NO. 207, AS MODIFIED

Ms. LANDRIEU. Madam President, I ask unanimous consent that Senator SANDERS’ amendment No. 207 now be modified with the changes at the desk.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment, as modified, is as follows:

At the appropriate place, insert the following:

SEC. ____ . SENSE OF THE SENATE.

(a) FINDINGS.—The Senate makes the following findings:

(1) Social Security is the most successful and reliable social program in our Nation’s history.

(2) For 75 years, through good times and bad, Social Security has reliably kept millions of senior citizens, individuals with disabilities, and children out of poverty.

(3) Before President Franklin Roosevelt signed the Social Security Act into law on August 14, 1935, approximately half of the senior citizens in the United States lived in poverty; less than 10 percent of seniors live in poverty today.

(4) Social Security has succeeded in protecting working Americans and their families from devastating drops in household income due to lost wages resulting from retirement, disability, or the death of a spouse or parent.

(5) More than 53,000,000 Americans receive Social Security benefits, including 36,500,000 retirees and their spouses, 9,200,000 veterans, 8,200,000 disabled individuals and their spouses, 4,500,000 surviving spouses of deceased workers, and 4,300,000 dependent children.

(6) According to the Social Security Administration, the Social Security Trust Funds currently maintain a \$2,600,000,000,000 surplus that is projected to grow to \$4,200,000,000,000 by 2023.

(7) According to the Social Security Administration, even if no changes are made to the Social Security program, full benefits will be available to every recipient until 2037, with enough funding remaining after that date to pay about 78 percent of promised benefits.

(8) According to the Social Security Administration, “money flowing into the [So-

cial Security] trust funds is invested in U.S. Government securities . . . the investments held by the trust funds are backed by the full faith and credit of the U.S. Government. The Government has always repaid Social Security, with interest.”

(9) Social Security provides the majority of income for two-thirds of the elderly population in the United States, with approximately one-third of elderly individuals receiving nearly all of their income from Social Security.

(10) Overall, Social Security benefits for retirees currently average a modest \$14,000 a year, with the average for women receiving benefits being less than \$12,000 per year.

(11) Nearly 1 out of every 4 adult Social Security beneficiaries has served in the United States military.

(12) Proposals to privatize the Social Security program would jeopardize the security of millions of Americans by subjecting them to the ups-and-downs of the volatile stock market as the source of their retirement benefits.

(13) Social Security is a promise that this Nation cannot afford to break.

(b) PROTECTION OF SOCIAL SECURITY BENEFITS.—It is the sense of the Senate that, as part of any legislation to reduce the Federal deficit—

(1) Social Security benefits for current and future beneficiaries should not be cut; and

(2) the Social Security program should not be privatized.

Ms. LANDRIEU. Madam President, I ask unanimous consent that any time spent in a quorum call prior to the votes at 4 p.m. be equally divided.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Ms. LANDRIEU. Madam President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SANDERS. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE BUDGET

Mr. SANDERS. Madam President, we are at a unique and enormously important moment in American history. The decisions that will be made by the Congress and the President in the coming days, weeks, and months, will in many ways determine how we go forward as a nation and will impact the lives of virtually every one of our 300-plus million citizens.

The reality today, as I think most Americans know, is that within our economy we have a middle class which is collapsing. In the last 10 years, median family income has declined by \$2,500. Millions of American workers are working longer hours for lower wages. If you look at real unemployment rather than the official unemployment, we are talking about 16 percent of our people unemployed or underemployed. Numbers may be even higher for certain blue collar workers and for young workers. The middle class is in very dire straits.

Poverty in America is increasing. Since 2000, nearly 12 million Americans have slipped out of the middle class and into poverty. As a nation we have 50 million Americans today who have no health insurance and that number has increased. In recent years we have the highest rate of child poverty of any major country on Earth. We are deindustrializing at a rapid rate. In the last 10 years we have lost 50,000 of our largest manufacturing plants as many of our largest corporations have decided it is more profitable to do business in China and other low-wage countries rather than invest in America.

That is one reality. Then there is another reality that we don’t talk about too much. It is while the middle class disappears and poverty increases, people on the top are doing phenomenally well. Today, about 1 percent of top income earners earn about 23 percent of all income. That is more than the bottom 50 percent—the top 1 percent earn more income than the bottom 50 percent and the gap between the very rich and everybody else is growing wider.

Not widely discussed but true, in America today the wealthiest 400 families own more wealth than the bottom 150 million Americans—400 families, 150 million Americans. That is an unbelievable gap in terms of wealth, between a handful of families and the vast majority of the American people. That gap is growing wider.

In 2007, the wealthiest 1 percent took in 23.5 percent of all the income earned in the United States; the top 0.1 percent took in 11 percent of total income. The percentage of income going to the top 1 percent has nearly tripled since the 1970s, and between 1980 and 2005, 80 percent of all new income generated in this country went to the top 1 percent.

We are living in a society where the very wealthiest people are becoming wealthier; the middle class is disappearing; poverty is increasing. That takes us to the budget situation our Republican friends are pushing.

At a time when the richest people are becoming richer, what the Republicans say is the answer is let us give millionaires and billionaires even more in tax breaks. At a time when the middle class is in decline, poverty is increasing, what our Republicans are saying is let us attack virtually every significant program that improves lives for low-income or moderate-income people. The rich get richer, they get more. The middle class gets poorer, they get less. Maybe that sense of morality makes sense to some people. It does not make sense to this Senator and I do not believe it makes sense to the vast majority of the American people.

Our Republican friends outlined their immediate budget proposals for 2011, for the CR, in their bill H.R. 1. Let me briefly review it because I want everybody in America to understand what these folks want to see happen and it is

important that we discuss it. Fifty million Americans have no health insurance today. The Republican solution is slash \$1.3 billion for community health care centers that provide primary health care to 11 million patients.

What happens when you are sick, you have no insurance, you don't have any money, you can't go to a doctor—what happens? Perhaps you die, perhaps you suffer, perhaps you are lucky enough to get into a hospital. We spend huge sums of money treating you when you could have been treated a lot more cost effectively through a community health center.

Today, in my office and I suspect in your office, people will tell you that it takes too long for them to get their claims from the Social Security Administration, the disability claims—the waiting line is too long. The Republican solution is slash \$1.7 billion from the Social Security Administration, making seniors and the disabled wait even longer. Everybody in America knows how hard it is for a middle-class family to send their kids to college. The most significant Federal programs, such as the Pell grant program, make it easier for low and moderate-income families to afford college. The Republican solution is slash \$5.7 billion from Pell grants which means that over 9 million American students will lose some or all of their Pell grants. Many of them will not be able to go to college.

Everybody, every working family in America, knows how hard it is today to find quality, affordable childcare. In most American middle-class families the husband works, the wife works—they want to know their kids are in a safe, good-quality childcare center. For decades now, Head Start has done an excellent job in providing quality early childhood education for low-income kids. In the midst of that childcare crisis, the Republican solution is slash Head Start by 20 percent, throw 218,000 children off of Head Start, lay off 55,000 Head Start instructors.

On and on it goes. In my State it gets cold in the winter, 20 below zero. Many seniors living on Social Security cannot afford the escalating costs of home heating oil. The Republican solution: Slash \$400 million in funding for LIHEAP, making it harder for seniors and other low-income people to stay warm in the wintertime.

What we should be very clear about as we discuss the budget is the Republican proposals for the continuing resolution for the remainder of fiscal year 2011 are only the first step in their long-term plan for America. Yesterday what we saw is the real vision of the Republican Party, for where they want to take this country into the future. While I applaud them for being straightforward about that vision, I think the more the American people take a hard look at where they want this country to go, the more outraged will be millions and millions of citizens as they understand the Republican proposal for the future.

Right now, if you are a senior citizen and you get sick and you need to go to the hospital, you have a health insurance program called Medicare, which has been lifesaving for millions of seniors. The Republican budget as outlined by Congressman RYAN yesterday essentially ends Medicare as we know it and converts it into a voucher-type program that will leave seniors paying out of pocket for many lifesaving health care costs.

In other words, if you end up, at the age of 75, with cancer or another illness, what the Republican proposal does is give a voucher to a private insurance company—\$6,000, \$8,000, we are not exactly sure—and after that, good luck, you are on your own. You have an income of \$15,000, you have cancer, how are you going to pay for that? The Republicans say there will be a voucher, ending Medicare as we know it right now.

The Republican proposal would force seniors to pay \$3,500 more for prescription drugs. The proposal would reopen the prescription drug doughnut hole, requiring that seniors pay full price for prescription drugs. At a time when so many of our people have no health insurance, the Republican budget contains \$1.4 trillion in Medicaid cuts over 10 years by turning it into a block grant program. We are now reading in various States that have budget problems that their solution to the budget problems is simply to throw people off of Medicaid, including children. What happens if you have no health insurance and you get sick?

We are beginning to talk about death panels. That is what we are talking about. If you are sick, you have no health insurance, what do you do? My guess—we have options—you die, you get sicker, you suffer in ways that you did not have to suffer.

The Republican proposal, as outlined by Congressman RYAN yesterday, also includes over \$1.6 trillion in cuts over the next decade for education, Pell grants, infrastructure, affordable housing, food stamps, food safety, and other vital programs for the middle class, the elderly, the sick, and the children.

What is also interesting—it is literally beyond belief to me—is while Republicans are slashing programs for low- and middle-income people, what they are also doing—I think people will think I am not serious, but I am—at the same time as the rich are getting richer and they are slashing programs for low- and moderate-income people, the Republican budget plan would significantly lower taxes for millionaires and billionaires.

So we cut Head Start, we cut Pell grants, we cut community health centers, but at the same time we give huge tax breaks for millionaires and billionaires. Furthermore, the Republican proposal would also lower taxes for the largest corporations in this country. My point is, we all do understand that this country has a serious deficit problem and a \$14 trillion national debt. I

think every Member of the Senate is concerned about the issue and wants to address it.

The question is, Do we move toward a balanced budget on the backs of the weakest, most vulnerable people in our country, on the backs of the poor, the children, the elderly, the disabled? That is one way we can do it or do we ask for shared sacrifice? Do we say to the wealthiest people in the country, do we say to the largest corporations in this country: You are part of America, too, and you have to help us get out of this deficit crisis.

Last week, I issued a list of 10 major corporations—10 major corporations that paid nothing in taxes in recent years, and, in some cases, actually got a rebate from the Federal Government after making huge profits. To my mind, instead of cutting back on Head Start and Pell grants and community health centers—which will have a devastating impact on low- and moderate-income Americans—maybe we might want to ask General Electric, which made \$26 billion in profits over the last 5 years and received a \$4.1 billion refund from the IRS, maybe we might want to ask them to pay something in taxes.

I think it is a bit absurd that the average middle-class person pays more in Federal income taxes than does General Electric. Maybe we want to change that. Maybe we want to ask Chevron, which made \$10 billion in profits in 2009, which got a \$19 million dollar refund from the IRS, maybe we might want to ask them to pay something in taxes so we can move toward deficit reduction in a way that is fair.

Here is the bottom line: corporate profits are at an alltime high. The richest people in this country are doing phenomenally well. The middle class is in decline. Poverty is increasing. Republican answer: More tax breaks for the very rich, lower corporate taxes, but stick it to working families in a horrendous way, which will cause massive pain.

We are at a fork in the road in terms of public policy. Do we develop public policy which protects all our people, which expands the middle class, or are we at a moment in history which moves this country aggressively toward oligarchy, in which we have a small number of people at the top with incredible wealth and incredible power, while the middle class continues to disappear.

Now is the time, in my view, for working families all over this country to stand and say: Enough is enough. We need shared sacrifice as we go forward. We do not need to see the middle class in this country further disappear.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

AMENDMENT NO. 236

Mr. BAUCUS. Madam President, I rise today to speak to amendment No. 236 to exempt farmers, ranchers, and small businesses from EPA regulation of greenhouse gases.

The science is clear: greenhouse gas pollution is causing climate change. Climate change is here, it is real, it is human caused, and it will hurt our economy and the health of our kids and grandkids.

In Montana we are already seeing the effects. According to Dr. Steve Running at the University of Montana, the duration of the wildlife season in the western United States has increased by 78 days since the 1970s. This trend is driven by earlier snowpack melt and less summer precipitation due to climate change. And this trend costs jobs in Montana's tourism and timber industry.

Climate change also endangers our national security. According to a report recently authored by retired Navy ADM Frank Bowman, "Even the most moderate predicted trends in climate change will present new national security challenges." That is why the Pentagon included climate change among the security threats identified in its Quadrennial Defense Review.

I believe that we all have a moral responsibility to leave this world to our kids and grandkids in better shape than we found it. That means we ought to deal with climate change by reducing our emissions of greenhouse gas pollution. But we must do so in a manner that does not hurt the economic recovery.

Small businesses and agriculture are the drivers of our economic recovery and job creation. Of the 200,000 jobs added in March, over half were created by businesses with 50 or fewer employees. And over 90 percent of the 200,000 jobs created last month were created by businesses with 500 or fewer employees. My amendment ensures that these businesses can continue to add jobs.

My amendment is very simple. It exempts farmers, ranchers, and small businesses from EPA's greenhouse gas pollution regulations.

Under my amendment only about 15,000 of the more than 6 million stationary sources that emit greenhouse gases in the country would be regulated by EPA. These 15,000 sources are large plants run by big corporations. And over 96 percent of these 15,000 sources already have to get permits under the Clean Air Act for emissions of criteria pollutants. Moreover, these 15,000 polluters account for 70 percent of greenhouse gas emissions from stationary sources in the country. So under the Baucus amendment, small businesses would be protected, while the biggest polluters that account for the vast majority of emissions would have to comply with the law.

EPA is going forward with regulations to reduce greenhouse gas pollution. We ought to ensure these regulations preserve our outdoor heritage, protect our children's health, promote our national security, and protect small businesses, farmers, and ranchers. My amendment does just that, and I urge my colleagues to support it.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. FRANKEN). The clerk will call the roll. The assistant legislative clerk proceeded to call the roll.

Mr. PRYOR. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. PRYOR. I ask unanimous consent to speak as in morning business for 10 minutes.

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

FISCAL CHALLENGES

Mr. PRYOR. Mr. President, we find ourselves in dangerous territory. While Republicans and Democrats continue to point fingers and hold fiery press conferences, a government shutdown is quickly approaching. The blame game is like quicksand: it has the ability to drag down not only the Senate and the House but the entire economy and our country. No matter how one looks at it, a shutdown would be reckless and irresponsible.

We can get this short-term budget problem resolved if all parties would turn off the rhetoric and stop the campaigning. A few extreme partisans stand in the way of progress, blocking a good-faith effort of many others seeking common ground. I ask them to take to heart what it says in the book of Isaiah: Come now, let us reason together.

We need to overcome this budget impasse and live up to the oath we took and to the people we represent. Larger challenges await our attention. It is not in our best interest to see the government shut down. I don't think it is in the best interest of the Nation to continue on this deficit-spending cycle we have been on. We owe it to the American people and the world that is watching us to show American leadership on both our short-term and long-term fiscal challenges.

I would like to see us turn our effort to the blueprint provided by the debt commission. I commend the bipartisan group of Senators who have begun to turn part of this plan into legislation.

We must find ways to reduce spending, address entitlement programs, and reform the Tax Code. Now, with all the momentum and opportunity built up over the last few months, is the time to lead. We must make the serious decisions to get our Nation out of the red so we can be competitive in the future. Again, I say let's turn off the rhetoric and be part of the solution, not part of the problem.

In Washington, the blame game has become par for the course. It has become politics as usual. In fact, it is one thing that people in my State are sick and tired of and one of the reasons why they have lost confidence in the Congress and in our government. Besides that, how in the world does holding press conferences and pointing fingers at others help resolve anything? Besides that, it is not true because the truth is that we are in this fiscal situa-

tion we are in today because of decisions all of us have made over the last decades. In fact, I saw yesterday in the paper where Speaker BOEHNER was talking to some of his caucus about getting ready for the shutdown, and there were ovations over there. There are no ovations over here for a government shutdown. We do not want to see it. I am not only talking about Democrats. I don't know of any Republicans in the Senate who want to see a shutdown. In fact, from my standpoint, one of the tests I use when I look at politicians is, the louder they are and the more often they have press conferences to blame other people, that probably means the more they are to blame for the problems we have today.

I certainly hope that as the elections roll around next year, the American people will remember many of the politicians' attempts in Washington to avoid responsibility for this terrible fiscal crisis.

One thing we need to keep in mind is that what we are talking about this week in terms of shutting down the government—and I hope that doesn't happen—is really only important for the next 6 months. We are only talking about for the rest of this fiscal year. The real battle, the more meaningful discussion and debate and fight, even, that we need to have is over long-term fiscal policies. The next 6 months—I don't want to say that is not important, because it is—is a time for us to demonstrate to the American people, to the markets, and to the world that we can come up with political solutions to the very challenging problems we face.

I am also concerned in this fragile economy that if we do shut down the government, that might be something that would shake this economy and actually, possibly, stop it in its tracks. I hope it will not reverse it, but I do have a concern about an abrupt cutoff of government spending, what that might do to the economy.

Our fiscal challenges that the debt commission focused on and many of us have focused on are beyond politics. They are bigger than politics. They are more important than the next election. In fact, they are more important than our own personal political fortunes. This fiscal situation we are in is not about the next election; it is about the next generation.

If we look back at the time that we call the Battle of Britain, one of the things Winston Churchill said that always stuck with me is, "Never in the field of human conflict was so much owed by so many to so few." He was talking about those brave men who flew the airplanes over Great Britain to protect the skies and the British people and to win the war, to stop Nazi Germany from invading and defeating the British Empire.

The "so few" we have today are TOM COBURN, DICK DURBIN, MARK WARNER, SAXBY CHAMBLISS, MIKE CRAPO, and KENT CONRAD. Those few have been

meeting for weeks, even months, to try to come up with a comprehensive budget agreement based on the blueprint of the debt commission. These six Senators are not politicians; they are statesmen. They are trying to do what is right for the country. They are trying to do what is in the country's best interest, not their own. I guarantee my colleagues, each one of the six will face tremendous criticism from their own parties and from other quarters about what they are trying to accomplish. To me, that is courage, leadership; that is what being a Senator is all about.

I know right now there are six of them meeting. I know that at some point, once they come out and once they are ready to announce what they want to do, many others will join that effort. But we need to cheer them on and encourage them to finish the hard task they have begun.

I am reminded, when I think about those six sitting in the Capitol and in various rooms around the Capitol, of that phrase in the Declaration of Independence right before our Founding Fathers signed that great document where they say: "We mutually pledge to each other our lives, our fortunes, and our sacred honor." This is our time to put it all on the line. We need to put our political lives on the line, our political fortunes on the line, and our honor. We need to honor the commitment we have made to this country when all 100 of us stood up—in fact, when all 535 of us stood up—and took the oath of office that we were going to do what was right for the country.

I mentioned the Book of Isaiah a few moments ago. I am reminded that many times in the Old Testament, whether in the prophets or Proverbs, we are always encouraged to do right, to do justice, to show mercy. We want to really be upright and true. That is what they call us to do and what they want us to do.

I am also reminded that in the New Testament, when Jesus is talking to the political and religious leadership of his day, he says: Are you so blind?

Are we so blind that we cannot see the forest for the trees, that we can't understand how important it is for this country to get our debt and deficit where it needs to be? Are we so blind that we are not able to see that we need to put everything on the table, that this is a time for great leadership and shared sacrifice, and we all have to give up something to get this done?

It is our time to lead. This may be the greatest challenge of our generation, of any of us who are serving either in the House or Senate right now. This may be our one moment in history for greatness. I sincerely hope we rise to the challenge because I believe the future of the Republic depends on it.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JOHANNIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. JOHANNIS. Mr. President, I ask unanimous consent to speak for 10 minutes as in morning business.

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

PESTICIDE REGULATION

Mr. JOHANNIS. Mr. President, I rise today to talk about another example of an EPA that, I believe, is out of step with American agriculture.

EPA continues to pursue regulations that would require farmers to file for an additional permit if they want to apply pesticides, while just last month EPA Administrator Jackson mentioned "the critical work that farmers are doing to protect our soil, air, and water resources." Yet the EPA continues, I believe, to handcuff our farmers and our ranchers with very stringent new regulations but still expects them to do all they can to feed a hungry world.

Time and time again, farmers have consistently proven to be excellent stewards of the environment. They make their living from the land, and they are very mindful of maintaining and protecting and improving it. I speak from experience. I grew up on a farm.

Unfortunately, we have watched organizations use the courts to twist laws against American agricultural production. A Democratic Congressman from California recently noted that EPA "often pursues a course of agency activism." He points out that EPA is using the settlement of lawsuits to give them jurisdiction over issues that may not be allowed under existing law.

More and more we are seeing important policy decisions that impact agriculture arise not from the legislative process, where it should arise from, but from the litigation process where a lawsuit settlement results in policy decisions being made.

In January 2009 a court overturned the normal practice of allowing farmers to apply pesticides as long as they complied with labeling requirements under the Federal Insecticide, Fungicide, and Rodenticide Act, which is known as FIFRA.

The Sixth Circuit Court ruled that EPA doubly regulate pesticide applications under FIFRA and the Clean Water Act. Well, at least 25 Senate and House Members, including myself, supported an amicus brief urging review of the court's very ill-advised decision. But, instead, the Obama administration chose to wave the white flag, ignoring the science and caving to activists. They urged the Supreme Court not to hear the case and to let the ruling stand.

For years EPA managed pesticide permitting within established environmental and safety requirements. Yet the administration refused to defend what was a very established, long-

standing approach. The EPA asked for a 2-year delay to write the permit and set up a compliance regime. They moved forward with onerous permitting requirements for our producers that will provide no environmental gain. This would subject the pesticide applicators to new and duplicative requirements—a distinct shift in how the EPA regulates pesticides. It created a whole new world. This additional permitting is now inefficient, it is unnecessary, and I would argue it is inappropriate for agriculture.

EPA's permitting requirements also present a challenge to local public health officials who work to control mosquitoes and prevent the spread of disease. The American Mosquito Control Association estimates that complying with the additional regulation could cost each pesticide user at least \$200,000 and potentially \$600,000 in California alone. The dual permit requirement may reduce the availability of pesticides proven to control mosquito populations. Thus, the ability of public health officials to control mosquitoes and the spread of disease will be hindered.

We all know bugs and weeds won't wait on another additional permit from EPA, and I surely don't think farmers and public officials should have to go through this additional process. Last week, the House of Representatives passed the Reducing Regulatory Burdens Act—H.R. 872. It passed with overwhelming support. I am very pleased to report it was a bipartisan vote of 292 to 130. Democratic Congressman COLLIN PETERSON, with whom I worked when I was Secretary of Agriculture and whom I have a lot of respect for, said this:

It was never the intent of Congress to burden producers with additional permit requirements that would have little to no environmental benefit.

I could not agree more with the former chair of the House Agriculture Committee. But he is not alone. Fifty-seven of his Democratic colleagues supported this bipartisan legislation to set the record straight and send a clear message to the EPA.

Here in the Senate, I am a cosponsor of a similar bill Senator ROBERTS introduced this week. I am pleased to stand here today and support his bill. Both of these bills are designed to eliminate this burdensome, costly, redundant permit requirement for pesticide applications. I commend his efforts here. He is trying to do something to solve this problem while protecting farmers and ranchers from additional regulation, but also very mindful of our environment.

I urge the majority leader to act quickly on the legislation to address the EPA's redundant and costly double-permitting requirements. We can address this in the Senate. If we don't find a solution, our producers will continue being told how to operate in a very difficult environment. Our producers already deal with the uncertainty of Mother Nature. We should

not infuse even more uncertainty into their lives in the form of these regulations that duplicate with no discernible benefit.

President Obama recently promised to eliminate programs that duplicate each other. In fact, he issued an Executive order calling for a government-wide review to identify programs that either duplicated or, as he said at the time, were just plain dumb. I submit to my colleagues that this pesticide double regulation is unnecessary and as dumb as it gets.

We should support our farmers and ranchers as they produce safe, affordable food. They are working to protect the land. American agriculture can continue to feed the world, and our farmers will continue to care for the land, unless we set up unnecessary roadblocks.

This redundant pesticide permitting requirement is another example of overreach. I hope the Senate will follow the example of the House which voted resoundingly in a very bipartisan way to correct this situation. We cannot afford to delay, with the compliance date right around the corner. It is a deadline we simply cannot ignore.

Mr. President, thank you. I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

AMENDMENT NO. 183

Mrs. MURRAY. Mr. President, I come to the floor today to express my strong opposition to any attempt to prevent the Environmental Protection Agency from doing its job and protecting our families and our environment. The amendments being considered here in the Senate would hurt our environment and harm our national security by increasing our dependence on foreign oil. They would devastate our public health efforts, and take us in the wrong direction as we fight to compete and win and create jobs in the 21st century clean energy economy.

The positions of leading scientists and doctors and public health experts are clear. Global climate change is real, it is harmful, and it has to be addressed. Rolling back EPA's standards would be devastating to the health of our families, and especially our children. These are settled issues in the scientific world. We shouldn't be spending time debating them over and over on the Senate floor.

By the way, with the price of oil spiking and families paying more and more at the pump, we ought to be focused on ways to move our country away from our dependence on foreign oil. These amendments would do exactly the opposite. They will disrupt efficiency standards that sacrifice billions of gallons of fuel savings and increasing our foreign imports. They will derail the cooperative efforts of automakers and autoworkers and EPA and States to develop these unified, national standards that provide certainty for businesses to invest in new technologies. Frankly, they would be harm-

ful to our national security. Every dollar we spend overseas to pay for oil is more money in the pockets of countries that are too often far from friendly to our national security interests, and that doesn't make any sense to me.

But this debate isn't just about health and the environment, and it is not just about our national security dependence on foreign oil. It is also about jobs and the economy, which is exactly what we ought to be focused on right now.

We are currently working on legislation on the floor to help small business owners to innovate and grow, to give them the resources they need so they can expand and add jobs and compete in a global economy. These amendments being considered to that bill will move our country in the opposite direction.

First of all, they are going to cause massive uncertainty and upheaval for clean energy companies such as the McKinstry Company in my home State of Washington that is working right now to create jobs and grow and create a clean energy economy. If the rules of the game keep changing, businesses are never going to have the confidence they need to invest and add workers.

Second of all, we all know America needs to move quickly into the 21st century clean energy economy. Other countries such as China and India are pouring resources into investments that are creating jobs and building infrastructure. We need to make sure we position ourselves to compete and win in this critical sector.

That is why instead of harmful legislation and amendments that would take us in the wrong direction—instead of doing that—we should be talking about policies that reduce our dependence on foreign oil, support our national security objectives, and unshackle our economy, so we can tap the creative energy of our Nation's workers and support good family wage jobs, and make sure our workers continue leading the way in this 21st century economy. That is the direction our country needs to be moving—toward a healthy and clean environment and toward the clean energy jobs of the future. We can't bury our heads in the sand and expect our energy and our environmental problems to somehow disappear.

The longer we put off dealing with these issues, the more it is going to cost us in the future, and that is exactly what the amendments on the floor today will do. They are bad for the environment, they are bad for the economy, and they are dangerous to our family's health.

The science on these issues is very clear and it is something the people in my home State of Washington take very seriously. Because when families across America go outside for some fresh air or turn on their tap and hope to have a clean glass of water, they expect these resources to be just that: clean.

Once again, I strongly oppose any attempt to take away the EPA's ability to do their job, and I hope we can work together to find real solutions to the critical problems that face our country.

Thank you, Mr. President. I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. BARRASSO. Mr. President, today the President is heading to Philadelphia to talk about energy. Well, the President talks a good game but, unlike energy, talk is cheap.

The President plans to host a townhall meeting about his new energy policy. I think it is time the rhetoric face the reality of what the country is seeing, experiencing, and dealing with. If the President truly wants to get a handle on energy costs, he needs to start by immediately stopping his Environmental Protection Agency from attempting to enact backdoor cap-and-trade regulation.

That is exactly what the EPA is doing. The only effect that can have is to increase energy costs on American families. The President himself admitted as much in 2008. At that time, in an interview with a San Francisco newspaper, he said: "Under my plan of a cap-and-trade system, electricity rates would necessarily skyrocket."

Is the President serious about decreasing U.S. dependency on foreign oil? If so, he should then rescind his veto threat against today's congressional legislation regarding the policies of the EPA.

That is why I am here in support of the McConnell amendment. The McConnell amendment keeps energy prices low. It prevents the EPA from blocking the development of domestic energy. It restores the Clean Air Act to its original congressional intent. I support the McConnell commonsense amendment.

Most likely, today we will hear more of the same from the President in his speech and townhall meeting in Philadelphia, and more of the same is the last thing the American people need right now. American families are facing increasing gas prices. Our national security is being jeopardized by dependence on foreign sources of energy. Unrest in the Middle East and North Africa is driving high prices even higher.

The Department of Energy has made an estimate that families all across this country will spend \$700 more on gasoline this year than they did last year. Meanwhile, the President will most likely deliver another speech with great goals but limited action.

With gasoline at over \$3.50 a gallon, the President fails to appreciate the effect his administration's policies have on families with bills, with kids, and with mortgages to pay.

In 2008, President Obama, then a candidate for President, said that the problem wasn't that gas prices were too high but that they had risen too fast. In his words, he said he "would have preferred a more gradual adjustment." This may explain why the President spent his first 2 years in the White House undermining and abandoning an all-of-the-above approach to energy. It is no wonder that he is now trying to cast blame on those who are offering a responsible alternative.

The President says he wants to cut our imports of foreign oil by a third by 2025. Well, to me, he doesn't appear to have the right vision or political will to get there. The United States has the most combined energy resources on Earth, but when faced with new sources of U.S. energy, the administration's automatic response has been to regulate, delay, or to shut down.

The President's "say one thing, do another" policy is making the pain at the pump even worse. His approach is long on making promises, short on taking responsibility. He talks of his concern for the people affected by the gulf oil spill. Yet his drilling shutdown in the Gulf of Mexico killed their jobs and strangles energy production even today. U.S. offshore oil production is expected to drop 15 percent this year thanks to the policies of this administration.

The President's claim that blaming his administration for "shutting down oil production"—he says it doesn't track with reality. But I will tell you that the administration's stalling on gulf oil and gas drilling permits is so antibusiness that even former President Bill Clinton called it "ridiculous." Even as the President says he wants to cut oil imports, he told an audience in Brazil a week or two ago that he wants the United States to become "one of Brazil's best customers" for oil. He said he would expedite new drilling permits. He claims oil companies are "sitting on supplies of American energy just waiting to be tapped." But the biggest thing standing in the way is redtape from his own Interior Department and EPA. While "use it or lose it" makes for a nice sound bite, it ignores the reality that the Obama administration's own policies are the most significant roadblock we have to drilling and exploring for American energy.

The President also claims to support alternative fuels. Yet he didn't once mention converting coal into fuel or tapping oil shale. Oil shale production could produce an estimated 800 billion barrels of recoverable oil. That is three times the amount of Saudi Arabia's oil reserves.

The way we can address our economic and national security needs is by producing more American energy.

We can't afford to pick and choose our energy at a time of uncertainty. We do need it all. This means allowing more U.S. exploration and lifting the burdensome regulations that make it harder for Americans to produce more energy.

Renewable energy is part of it, it is important, but there is no way green energy and green jobs can replace the red, white, and blue energy and jobs that have continued to power our country for over a century. Until the administration acknowledges this, the administration's policies will continue to make the pain at the pump even worse. That is why I urge the Members of this body to adopt the McConnell amendment.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. MENENDEZ. Mr. President, I rise in strong opposition to the McConnell amendment. I listened to my distinguished colleague from Wyoming, and I enjoy working with him, but this is one subject on which we fundamentally disagree.

This isn't about energy production; this is about clean air. This amendment is a blatant attack on the Clean Air Act, and, from my perspective in New Jersey, any attack on the Clean Air Act is an attack on New Jersey.

Primarily because of dirty, old, out-of-State coal plants, every county in New Jersey is noncompliant with the Clean Air Act—not by what we do but what other States do. One of those coal powerplants is the aging Portland Generating Station, located just across the Delaware River. This plant emitted 30,000 tons of sulfur dioxide in 2009. That is almost three times the amount of all seven of New Jersey's coal plants combined. So we have cleaned up our act. Others need to do it for the collective air we breathe as Americans. Its pollutants waft across the Delaware River into numerous New Jersey counties, causing and exacerbating a whole host of respiratory illnesses, from asthma to heart disease. If not for the Clean Air Act, my State or any other State similarly situated would not have been able to petition the Federal Government to stop the pollution this Pennsylvania plant spews into New Jersey's air.

Just last week, New Jerseyans received some good news. Under the authority of the Clean Air Act, the Federal Government proposed a rule that would grant my State's petition. If finalized in coming months, the rule would lead to an over 80 percent reduction in the Portland coal plant's sickening sulfur dioxide emissions. If not for the Clean Air Act, my State would not have this victory within its grasp. It wouldn't have the opportunity to protect its citizens. We simply cannot gut the one piece of Federal legislation that protects the air we breathe.

Imagine having to tell your children they cannot go outside to play because the wind is not blowing quite the right way, because the air they will breathe

will damage their lungs. The McCloskeys from Delran, NJ, don't have to imagine that scenario; they know it. Let me tell you about Erin McCloskey. On poor air quality days in the summer, their daughter Erin could not even make it to the family car, much less go outside and play, without starting to wheeze. Family activity began to revolve around trips to the doctor, treatments, and stays at the hospital. It was a severe economic hardship on the family not just because of costs but also because all of these trips made it difficult for Erin's mother Natalie to hold down a job.

The McCloskeys are not alone. Four-year-old Christian Aquino, from Camden, NJ, suffers from severe asthma. He takes six different medications a day to control asthma attacks, but still his mother, Iris Valerio, lives with the constant fear that an attack is around the corner. On bad air days, they avoid going outside, and when on the highway in traffic, the windows are kept closed.

Fourteen-year-old Samaad Bethea, of Elizabeth, NJ, also suffers from severe asthma. He has been on daily steroid medication to control his asthma for 3 years. If he skips a day, his lungs start to falter and he can't catch his breath. His mother Sharon realized that pollution in their old neighborhood was triggering attacks and had an opportunity to move the family. Since that move, Samaad has been doing much better, but he still requires daily steroid medication.

These children are part of a sobering national reality, a New Jersey reality. Their days revolve around inhalers, steroids, and constant anxiety over when air pollution will trigger another severe asthma attack.

According to the National Centers for Disease Control and Prevention, each year over 10,000 New Jerseyans are hospitalized due to asthma attacks triggered by air quality problems. Thousands of sick days are taken each day in New Jersey by either asthmatics or parents of asthmatics, with huge consequences for the New Jersey economy. Asthma attacks triggered by air pollution cause scores of premature deaths in my State each year.

Erin McCloskey, Christian Aquino, and Samaad Bethea bring these statistics to life. While the causes of their asthma are many, air pollution is a common trigger. The Clean Air Act directly impacts their health, their quality of life, and even the ability of their parents to get or keep a job. For them and for thousands of children like them, weakening the Clean Air Act will mean more days sequestered in their homes and more emergency room visits.

The McConnell amendment—the one I call the dirty air amendment—is the first of many amendments we can expect to see that are aimed at preventing the Federal Government from regulating polluters under the Clean Air Act.

Caring about children's health means not allowing polluters to place profits ahead of people, ahead of the well-being of our children—and I mean all children, no matter their race, ethnicity, or class. Low-income and minority Americans continue to be disproportionately exposed to pollution that is harmful to their health. A recent analysis showed, for example, that two-thirds of U.S. Latinos—about 25.6 million Americans—live in areas that do not meet the air quality standards under the Clean Air Act. Perhaps this begins to explain why Hispanic Americans are three times more likely than Whites to die from asthma attacks, why Latino children are 60 percent more likely than Whites to have asthma.

Low-income and minority Americans will also be disproportionately affected by the impacts of climate change. Let's be clear. The scientific consensus is overwhelming. Climate change will increasingly create more frequent and more extreme storms, more violent and sustained heat waves, meaning more costly and dangerous floods and droughts. Hotter summer days will mean more ozone formation and more bad air quality days. In this way, climate change directly endangers all of us, our children, and our children's children. But changes in weather patterns and increasingly extreme weather events also result in indirect effects. The security of our food supply will be at risk due to more frequent heat stress. The security of water supplies will be at risk due to droughts.

For all of these reasons, scientists agree that climate pollution endangers public health and welfare. That is well understood, and we can curtail these risks by regulating climate pollution. But, no, big polluters want to kick the can down the road. They want to pretend they aren't polluting. Big polluters want to pretend these risks aren't real. They want the McConnell amendment to pass so they can continue business as usual.

This is not about energy because if the New Jersey coal-fired plants ultimately reduced their emissions by 80 percent, it is a question of an investment. They are still producing energy. There are 9.3 million people in the State. They are producing energy, but the reality is that they are doing it in a cleaner way. That is what this issue is about.

We must not allow polluters to set our priorities. How many children in New Jersey or in other parts of the country face the reality of dirty air? How many children are we willing to have deathly ill in order to allow polluters to continue to spew toxins into the air we collectively breathe? Doing so risks not only our health and that of future generations, it risks the promise of a green economy built on clean energy jobs, energy-efficiency innovations, and reduced waste and pollution.

I urge my colleagues to stop the effort to gut the Clean Air Act and to de-

feat this amendment. Let's make sure we bequeath to future generations the ability to have air that, ultimately, we can collectively breathe, that doesn't sicken our families and undermine our collective health.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BOOZMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. UDALL of Colorado). Without objection, it is so ordered.

Mr. BOOZMAN. Mr. President, I rise to express my strong support for the McConnell amendment. This amendment prevents EPA from continuing to reach beyond Congress's clear intent under the Clean Air Act.

Congress did not authorize greenhouse gas regulation under the Clean Air Act. This amendment is an appropriate response to clarify the law that is being misinterpreted. The EPA should not be making policy decisions beyond the authority clearly granted to the Agency by Congress.

Let us remember, last year, Congress rejected the cap-and-trade agenda on a bipartisan basis. The EPA's agenda is a job-destroying agenda. It will raise the price of energy, food, and gasoline. The cost of this policy will be transferred to the people of Arkansas and all Americans every time they shop at the store.

The EPA's agenda will not lead to a cleaner environment. American manufacturing will be hurt, and our manufacturing capacity will be replaced by foreign competitors with weak environmental standards. This amendment will allow individual States to keep existing policies in place by permitting them to regulate emissions as they see fit.

This amendment also enables the EPA to focus on the important purposes of the Clean Air Act, which I strongly support. The Clean Air Act must be used to protect the public from harmful pollution. The Clean Air Act was not intended to address climate change concerns.

Finally, let me address a myth we keep hearing. Some have stated the Supreme Court is forcing the EPA to take this heavy-handed, backdoor, cap-and-tax approach. This is wrong. The Supreme Court stated that the EPA can decide whether greenhouse gases endanger public health and welfare. Many Senators believe the Supreme Court's interpretation of the law is wrong. Yet EPA made a political decision based on the Court's ruling to expand their jurisdiction far beyond what Congress intended. This amendment will correct that action.

Others have stated this amendment would permanently eliminate the EPA's authority to regulate greenhouse gases. This is also wrong. No pol-

icy is permanent unless it is part of our Constitution, and even the Constitution can be amended. We can enact this amendment and still have a debate in this body about needed policy changes in the future.

Finally, let me quickly address some of the alternatives to this amendment that are being suggested. Some of my colleagues have suggested delaying the EPA's actions by 2 years. Others have suggested that one sector of the economy or another should be exempted from EPA's unnecessary and burdensome rules.

I would suggest these proposals do not provide the cover some Senators want. Bad policy is bad policy whether carried out this year or 2 years from now. Our job creators need certainty. Restraining the EPA for 2 years will not provide the certainty they need to invest and create more jobs. Exempting one sector of the economy is also not enough. There is no excuse for protecting just one sector while watching Americans in other sectors lose their jobs to foreign competitors.

At the moment, our priority must be job creation, protecting our industrial and manufacturing sectors, and keeping gas and food prices low. We must make sure the EPA avoids politically driven initiatives and becomes focused on its core mission: protecting air and water quality and preventing exposure to toxic contamination.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. FRANKEN. I thank the Chair.

(The remarks of Mr. FRANKEN pertaining to the submission of S. Res. 133 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I wish to speak for a few moments on behalf of the McConnell-Inhofe amendment. I thank them for their leadership in dealing with governmental regulation of carbon dioxide and other greenhouse gases, amendment No. 183. I want to share a few thoughts about a matter that is important to me. I served several years as ranking Republican on the Judiciary Committee. I am interested in our legal system and how it works. I have to say that the Supreme Court ruling that resulted in the situation we are in today is a classic example of how unelected officials—not just judges—can make laws and regulations in a manner that is dramatically contrary to the ideals of the American Founders, and in a manner that is contrary to the ideals on which this country was founded, ideals that require accountability, that require responsibility and that allow the American people to hold their officials responsible and accountable for what they do.

For this reason alone I believe the McConnell-Inhofe amendment should be agreed to, because we are talking about a situation in which unelected

governmental employees are systematically going about regulating emission of CO₂ in the country under a very attenuated theory. They were never given the explicit authority to do so.

They will, under the power they have asserted, have the ability to regulate your automobile, the heating unit in your home, hospitals, businesses, cities, and anything else that utilizes carbon fuels to produce energy. This is what it is all about.

How did it happen? What occurred here? Well over forty years ago, Congress passed the first Clean Air Act, and since then, Congress has amended the Act several times. Congress was focused on cleaning up the air and dealing with smog, particulates, nitrogen dioxide, sulfur dioxide—all of these pollutants were being emitted into our atmosphere and were affecting the health and well-being of Americans, particularly in cities, and Congress took action to contain that, and it has helped produce a much cleaner environment. Pollution was far worse 40 years ago than it is today. Our atmosphere has far fewer dangerous pollutants in it and, in that regard, the Clean Air Act has been very successful.

But since this Earth was created we have had a marvelous balance. Human beings and animals breathe in air. They take in oxygen out of that air and they breathe out carbon dioxide. Carbon dioxide is not a pollutant. We have never considered it to be a pollutant. Plants, as you know from your basic high school classes, take in carbon dioxide and emit oxygen as part of a life cycle process that is marvelous and wonderful beyond our ability to express.

Over the course of centuries and millennia, plants in the world took in carbon dioxide and, eventually, were buried in the earth. As a result, the carbon dioxide in those plants was trapped underground and developed into coal, oil, and other fuels. In recent years we have been taking those fuels out of the ground and burning it and, as a result, releasing the carbon dioxide.

When the Clean Air Act was passed, there was no discussion or thought about any potential danger of a warming planet. Congress did not have the slightest idea at that time that thousands of bureaucrats would be able to one day take the Clean Air Act that they passed and control every home, every business, every city, every car, and every hospital in America.

What happened? The concern over global warming arose. Whatever people believe about that, the concern certainly is out there. Many people believe it is a serious threat. Others think it is not so serious. But at any rate, a lawsuit was filed. That is what we have so much of in this country. People file lawsuits, especially on environmental issues. They said: The planet is warming, and one reason it is warming is because there is a global warming gas, CO₂, that is being emitted more today, and this is a danger to

us and we believe it is a pollutant now. So, they would call CO₂, which naturally occurs in our atmosphere and is used by plants and vegetation, a pollutant because the planet is warming. What do you say, Supreme Court? The Court responds: We say it is a pollutant, and the EPA should be allowed to regulate it. By a 5-to-4 decision, the Supreme Court seems to say, but not with much clarity, that EPA should look at regulating CO₂ because that is what they said the Clean Air Act meant to allow.

First of all, I don't think the statute meant that. I agree with the four judges who dissented. I believe Congress never had any intent whatsoever to give EPA the ability to control the emission of CO₂ all over America. I have no doubt of that. It is not in the statute in a way that would clearly enable the Supreme Court to say that. I suspect it was a product of activism. Judges got excited about the claim several years ago regarding the danger of CO₂ and global warming. Never mind that there seems to be actually less concern today about global warming. In any event, those judges wanted to see CO₂ regulated and they interpreted the statute in a manner that would allow for it. Now the Environmental Protection Agency is setting about to do so. It is a major intervention by the U.S. Government in every aspect of American life.

EPA regulation of carbon dioxide has the potential to drive up costs for individual Americans as they heat their homes and drive their cars and will place a real burden economically on the American economy. It will put us in a bad situation economically.

So the McConnell-Inhofe amendment says: Wait a minute. Congress did not approve that. We do not want to do that yet. We do not want EPA regulating CO₂ all over the country unless we direct them to do so—unless we, the elected representatives, decide it ought to be done. This important decision should not be made by five out of the nine members of the Supreme Court with lifetime appointments, totally unaccountable to the American people, or tens of thousands of governmental employees—public servants, bureaucrats—in the Environmental Protection Agency. They do not get to do it either.

It is our responsibility. If we are going to impose a massive regulatory burden on every American in this Nation, this Congress ought to decide when and how and under what circumstances it should be done. We have people in this Congress and in this government who act like Congress has no control over it. They think: The Supreme Court rules, and EPA issues its regulations.

Well, why do you not do something about it? They say: Oh, that just happens. We do not have any responsibility. It is not our responsibility. Do not blame me. You do not like it. Well, it was not my fault. I did not pass the Clean Air Act over 40 years ago. I was

not on the Supreme Court. I am not an EPA bureaucrat.

But we are the United States Congress, and we are accountable to the American people. It is a question of constitutionalism. It is a question of separation of powers. This a question of responsibility. If we were to decide that the emission of CO₂ is a significant danger to our environment and it ought to be regulated, let's vote to say so.

At this point in time, we are not able financially and there is not enough scientific evidence or justification for going forward with the regulation of CO₂. And I am constrained to believe massive regulation is not the appropriate thing to do today—but that is a decision Congress ought to make.

We ought to be held accountable for the decisions we make. That is the way our country was set up to conduct issues of importance. I have to tell you, this is a big issue that is before the Senate. We should have tremendous debate, weeks of debate, because federal regulation of these kinds of emissions could result in hundreds of billions of dollars in cost—or even trillions of dollars in cost, if we set about to regulate all CO₂ in America. It just is.

I do not see how it can be disputed. Unfortunately, we act like we are washing our hands of it. The Supreme Court did not make a policy decision that this was the right thing to do. That is not their role. In fact, they will deny that is what they did. They would say: All we did was take a statute passed long ago, before global warming was even considered an issue to be confronted by the Congress, and decided that the statute Congress passed then allows EPA to regulate CO₂ now. And because of five justices, an unelected group of American employees are setting about to regulate carbon dioxide and other greenhouse gases. We do not need to do that.

The American people should not allow this to happen. They should demand that their Congress be responsible for what it does when it imposes such a monumental cost on the economy and the American people. That is our responsibility. The McConnell-Inhofe Amendment before the Senate today faces up to that squarely. It says we are not going to allow this circuitous route of interpretation of statutes to result in one of the most massive governmental intrusions in American life to occur. It ought to be a matter of intense public debate and national discussion before such a thing happens.

I salute my colleagues for offering their amendment. I urge my colleagues to support it.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SANDERS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 215

Mr. ROCKEFELLER. Mr. President, we are going to be voting this afternoon on a number of EPA amendments, one of which is mine, which calls for a short 2-year waiting period but does not shut down in any way the EPA, particularly on CAFE standards.

So I have two messages: One is that I hope but doubt—but nevertheless hope—people will vote for my amendment. As of last December, I would have gotten every Republican vote, but when they broke away from the omnibus reconciliation agreement those votes all went out the window. I think they will all vote for the McConnell amendment, which I think is a mistake. So let me explain.

First of all, I am very opposed to the McConnell amendment. I think it is foolish. It overreaches. It is briefly satisfying and devastating on a long-term basis. A case in point: It undermines the ability—because it obliterates the EPA—to set CAFE standards. Too few people in this body understand that 31 percent of all carbon emissions come out of the rear end of trucks and cars and other vehicles and that the right and the power and the science to set CAFE standards is an incredibly—important mission of the EPA.

Under the McConnell amendment, that, along with everything else EPA does, is out the window on a permanent basis. It is goodbye EPA forever. That strikes me as not a mature approach to legislation.

I understand the frustration. We have that in West Virginia. The EPA does not understand necessarily the nuances of economic situations, that there is a more exacting way to present legislation. So I call for a 2-year timeout period, but I do not abolish EPA. I just say for a period of 2 years they should not do regulations on power stations, manufacturing plants, or oil refineries. That strikes me as not being fatal; it strikes me as something that could become law.

The most important point I can say about the McConnell amendment—I just pray this sinks in; it will not, but I pray that it will—there is not one chance in 10 trillion that the McConnell amendment will become law. It will not happen. He shuts the EPA down permanently, in all respects, forever. It will never happen. I doubt it will pass the Senate. It will certainly not pass at any other level where it counts.

So why do they do that? They do that because it does not solve the problem; it makes a point. It makes people feel good because they are mad, but, in fact, it does great destruction to our future. It does not solve a problem, and I am here to solve problems.

What I think we do need is a timeout just to stop the imposition of EPA regulations that do not allow for development of clean technologies—and that

would hurt the economy at a very critical point in our still slowly moving recovery—but to do it in a way that keeps us all focused and working on a long-term energy policy.

Yes, we have had problems with the EPA in West Virginia, but the answer is not to get rid of the agency forever. It is just incomprehensible to me that mature people could actually be for that, vote for that, espouse that, but they have.

As of last December, when we were doing the Omnibus appropriations bill, every Republican had agreed more or less to vote for my bill—just a 2-year timeout which should not affect CAFE standards. Then all of a sudden nine Republicans defected. The election had already been held. The House was about to go into Republican hands. Once they defected, then everything crashed down. All of the votes I would have gotten from the Republican Party are now gone. I doubt I will get any votes from the Republican Party and not many from my own party, which I regret but I understand.

I believe in clean coal. People say “coal.” I much like it better if they say “clean coal” because if it is just coal the way it is in the ground, we are not going anywhere, and natural gas will overtake coal, put them out of business. I have said this to the coal operators quite frequently. They do not believe me, but I think it is true.

It has happened in North Carolina in 12 powerplants. It is happening in Ohio. It is happening in lots of places. I have nothing against natural gas. We have a lot of natural gas. Natural gas, however, has one-half of the carbon that coal does. It has one-half. They call themselves a clean fuel, and in relation to coal in the ground, they are, but 50 percent is a long way from what we are already doing in West Virginia, which is taking 90 percent of the carbon out of coal as it comes out of the ground.

It goes to a powerplant, where there is Dow Chemical Company on the one hand, and American Electric Power on the other, and they have already—and I have been to see their plants, and I have seen their results, and I went with Secretary Chu—they are taking 90 percent of the carbon out of coal. That is not bad. You can call that clean coal.

We have a gigantic energy problem. We need everything we can get. I was even prepared to be for nuclear, which is about 20 percent of our current power structure. I am not sure where I am right now. I have to think more deeply about that. I am worried because our powerplants are old, also, as the Japanese ones are.

So all I can say is, I am for keeping our eye on the ball. I am not for making us sort of feel good on a very temporary basis. Everybody gets mad at the EPA. It is just sort of like an opening day in American baseball. You just do it and people cheer. But if you do it the way it is done in this amendment, by abolishing the agency, that is a long season, and it is a bad win-lose record.

So I hope my amendment will get sufficient votes. I am not sure. I do not think it will because I think the folks on the other side of the aisle have completely deserted it because they feel a great solidarity, want to show their power, and along comes an elimination bill. I just could not be for that. Morally I could not be for that.

I am strongly for West Virginia coal miners. I just came back last night from the first anniversary of the 29 coal miners who died. It was not an anniversary; it was a memorial. It is a powerful, powerful life being a coal miner. It is unknown to most people what it is like, what the dangers are, but they do it and they are strong. But what they produce could be cleaned up. The technology is there. That is what my amendment would do: give a 2-year timeout to let us work the technology, try to be convincing to Wall Street, and then we could be on our way to have not only natural gas but every single alternative energy that you and I could possibly think of—perhaps minus ethanol, but that is a different story—and we would be on our way.

In any event, it is a clear choice. Clean coal has to play a role in meeting our energy needs. It is abundant. It can be clean. The technology is there. More is on the way. So I hope people will vote for my amendment, and I hope very strongly they will vote against the McConnell amendment.

In the final analysis, I guess if they do not, and they vote for the McConnell amendment, they are going to lose anyway because it is never going to get anywhere. It is a guaranteed loser in the legislative process. I think mine could be helpful.

I thank the Presiding Officer and yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

AMENDMENT NO. 183

Mr. THUNE. Mr. President, in a couple of hours from now the Senate will vote on the Inhofe-McConnell amendment which would prevent the EPA from moving forward with dangerous—I said “dangerous,” but certainly harmful to business and certainly costly—greenhouse gas regulations. I would hope my colleagues in the Senate will support that amendment for a number of reasons because it bears heavily on one of the great debates we are having in the country today. I think the American people must find it confusing—I certainly do—when you get all these mixed signals coming from the elected leaders in Washington, DC.

The American people must be incredibly confused because the President has said—rhetorically, at least, he has talked about the need to reduce our dependence, our dangerous dependence, upon foreign energy. He talked recently about getting the number of barrels of oil we import every day down by one-third at the end of this decade. The fact is, we do spend \$1 billion every single day on foreign oil. There is \$1

billion we export from this country because of the addiction we have to foreign sources of energy.

The problem is, everything this administration is doing is contrary to that goal. If we look at policies that are coming out of Washington, DC, right now, today, they completely contradict this idea that we ought to be moving toward energy independence and getting away from this dangerous dependence we have on foreign sources of energy.

I will make a couple of points.

We have, of course, in the Gulf of Mexico the so-called perimitorium. We have not been issuing permits to explore, to continue the work that is being done down there in terms of energy exploration. The Outer Continental Shelf has been put off limits by this administration, and many Federal lands where there are abundant energy resources have also been placed off limits. In fact, there were some areas that had been developed or where there were going to be permits issued for exploration in some of the States in the West where we know we have abundant energy resources that have now been repealed or pulled back by the administration—just recently, 77 in the State of Utah, 1 in the State of Montana. We have enormous resources right here in our own country we could be developing that would get us away from sending this \$1 billion a day, every single day, to countries around the world because of our addiction to energy.

The other thing tried in the Congress last year was a cap-and-trade bill. It passed the House of Representatives. It passed narrowly. It was never voted upon in the Senate because there wasn't political support for it. That legislation would have also dramatically increased the cost of energy in this country, making it more expensive for our small businesses to run their operations, and imposed dramatically higher electricity and fuel costs on American consumers. That was a given. I think everybody conceded that was the case. But because there wasn't political support for it on Capitol Hill, it ended up not becoming law.

What we have now coming out of the EPA is essentially a cap-and-trade bill through the back door. The EPA has decided they will do by regulation what they could not get done—the administration could not get done—through the political process in Congress.

The point I wish to make about that is the cap-and-trade bill, which was widely debated and discussed at the time, would have driven up energy costs for people in this country. This proposal by the EPA would have the exact same impact and effect. In fact, if one is concerned about economic growth and job creation, which we all should be—Lord knows, when we have almost 9 percent unemployment and lots of people in this country looking for work, that ought to be our No. 1 priority—the fact that we would be putting policies in place that would be

counter to creating jobs and getting capital deployed out there in our economy probably defies explanation, at least for most Americans.

In fact, the American Council for Capital Formation projects that the uncertainty created by the EPA's climate change regulations would increase the risk premium of capital by 30 to 40 percent.

The additional uncertainty is projected to reduce U.S. capital investment by as much as \$400 billion per year.

So I would argue that if we are serious about creating jobs, if we are serious about growing the economy, why would we want to sideline hundreds of billions of dollars of capital every single year because of these onerous and costly regulations?

This is a major reason why there is \$2 trillion today sitting on the sidelines. It is talked about a lot, but nobody seems to be concerned about changing that. What I hear repeatedly from those who are able to invest and have capital to put to work is, they don't like the economic uncertainty coming out of Washington. In most cases, if not in every case, it is focused on these regulations, on regulatory agencies, particularly the EPA, that continue to come up with new proposals to drive up the cost of doing business in this country.

There was a Charles River Associates study which projected the EPA's cap-and-trade regulations could increase wholesale electricity costs by 35 to 45 percent and reduce average worker compensation by \$700 per year.

What is unfortunate about this whole situation is that the regulations will drive up energy and gasoline prices the most for middle- and low-income families. That is where the impact is going to be most felt.

Roger Bezdek, who is the former Director of the Bureau of Economic Analysis at the U.S. Department of Commerce, concluded recently that EPA's regulations:

... will impact low income groups, the elderly, and minorities disproportionately, both because they have lower incomes to begin with, but also because they have to spend proportionately more of their income on energy, and rising energy costs inflict great harm on these groups.

I would go on to point out that perhaps the greatest burden of increased energy costs resulting from these new greenhouse gas regulations will fall upon the elderly Social Security recipients who represent 20 percent of all households in this country and who depend primarily on fixed incomes. They have limited opportunity to increase their earnings from employment. They get hit the hardest. What these regulations are going to do is target and hit the people who can least afford to deal with them.

So we have an opportunity to do something about that. I think what we are seeing with the EPA and many of these government agencies is an exam-

ple of overreach, which is a function, in my view, of bureaucracies that have gotten too big. We all talk about government. There is going to be, I think—I hope, at least—a great debate over the next couple years as we address this issue of spending and debt, about the size of government and how much government intervention we ought to have, and I think most Americans have concluded that government has gotten too big and it has grown too fast. Perhaps the greatest example is these Federal agencies that have this tremendous propensity to want to regulate everything they can out there, to the detriment of many of our small businesses and those who are trying to create jobs.

As an example of how much our government has grown, the historical average for this country and what we spend on the Federal Government as a percentage of our total economy, as a percentage of our GDP, is about 20.6 percent. This year, it is over 25 percent. So the government continues to expand, continues to grow relative to the economy. The private economy continues, by virtue of comparison, to shrink. We ought to be looking at what we can do to grow the private economy, what we can do to create jobs, what we can do to create economic growth in this country as opposed to the things that are being done to expand government.

The solution we have put forward today, the Inhofe-McConnell amendment, is—there has been a lot of discussion about what it would or wouldn't do, but I wish to point out for my colleagues some things it would not do because it does get at the heart of this issue, which is preventing the EPA from moving forward with these costly and burdensome regulations.

There are a number of things it does not do. It does not prohibit States from regulating greenhouse gases and addressing climate change. The amendment expressly allows States to keep existing policies in place and allows States to regulate greenhouse gas emissions as they see fit. The bill also makes clear that any changes States have adopted in their State implementation programs and title V operating permit programs pertaining to greenhouse gases are not federally enforceable.

The McConnell amendment does not overturn the agreement between the White House, California, the automakers, the EPA, and the Department of Transportation on greenhouse gas emissions from cars. A lot has been made out of that issue. That is something the McConnell amendment does not do. In fact, the amendment expressly preserves the auto agreement and the most recently enacted fuel efficiency standards.

In 2017 and beyond, the amendment ensures that any future national auto regulations concerning greenhouse gases will be decided by Congress, which, frankly, is where it should be

decided, which is why this overreach is such an example of big government gone bad.

The McConnell amendment does not overturn clean air and public health protections under the Clean Air Act. The amendment maintains all the Clean Air Act's provisions to protect the public from harmful pollution. Thousands of Clean Air Act regulations would remain untouched by this amendment. Certainly, this amendment does not, as has been suggested, gut the Clean Air Act. In fact, it is the contrary.

The amendment does, however, clarify that Congress never gave the EPA the authority under the Clean Air Act to regulate greenhouse gases for climate change purposes. That responsibility, as I said before, lies and should lie with the Congress.

Finally, the McConnell amendment does not stop the U.S. Government from taking any action to address climate change. The amendment puts Congress in charge of U.S. climate and energy policy. Also, the bill expressly preserves Federal research development and demonstration programs addressing climate change.

So if Democrats in Congress want to enact climate change regulations, I would encourage them to bring a climate change bill to the floor. This is where it should be debated, by the people's representatives, not decided by bureaucrats in some Federal agency, which is what the EPA regulations would, in effect, do.

There are a number of amendments that have been offered by our Democratic colleagues which I would describe as political cover amendments. They are hearing the same thing we are from their small businesses, from agricultural groups, and from consumers across this country about what these regulations would do and how they would adversely impact electricity and fuel costs in this country. So they are trying to give themselves some cover to be able to vote for something.

I wish to point out that all these other amendments being offered by our Democratic colleagues as alternatives to the Inhofe-McConnell amendment don't get the job done. We talked a little bit and we heard a little bit earlier today about the Rockefeller amendment, which has the 2-year delay in it. But, again, there is a very limited scope to that amendment. The temporary nature of the amendment is going to provide very little relief for businesses and consumers across this country. If it is enacted, permits for new projects and the jobs associated with those projects could be stalled until after the 2-year period. There is no assurance that any of these permits would be issued during this 2-year period when this amendment would be in effect.

The Rockefeller amendment would not stop or delay other EPA methods for increasing energy prices, such as

the national ambient air quality standard for CO₂. The Rockefeller amendment does not prevent climate change nuisance suits sponsored by environmental activist groups hostile to energy development.

I can say the same thing essentially about some of the other proposals out there. The Stabenow amendment also has a 2-year delay, but it allows EPA to continue moving forward with rule-making. It just wouldn't allow them to finalize those rules until the end of the 2-year period. If the amendment is enacted, permits for new projects and the jobs associated with those projects could again be stalled until the end of that 2-year period.

There are a number of flaws in all these amendments, none of which are designed to do the job. If we are serious about doing something to address what the consumer groups, the farm organizations, and the business organizations are asking us to do; that is, to prevent the EPA from moving forward with something they don't have the statutory authority to do and should be reserved for the Congress, but they are going to move forward with it anyway—if we are serious about addressing that issue, the only alternative is to support the Inhofe-McConnell amendment. It is that simple. It is that straightforward. All these political cover amendments that are being offered by our Democratic colleagues are simply that. They are cover amendments and they don't get at the heart of the issue.

I would again go back to where I started; that is, to say we ought to, in this country, be seriously debating policies that will move us away from the dangerous dependence we have on foreign energy. As I said earlier, every policy coming out of Washington, in my view, is designed to make it more difficult to develop the very energy sources that will create a domestic energy supply in this country that would release us from this grip that foreign countries have on us with regard to energy.

I hope the Inhofe-McConnell amendment will pass today and will have bipartisan support. It has already been talked about that perhaps none of these will reach the 60-vote threshold. What I would say to my colleagues is, again, if we are serious about trying to solve this issue, if we are serious about trying to make sure electricity and fuel costs don't go up dramatically for our constituents, then this is the amendment we need to be for. The other amendments don't get at the issue. They are political cover amendments.

I think it is pretty straightforward when we look at the number of groups that have come out opposed to those amendments and in favor of the Inhofe-McConnell amendment. I will just mention briefly, again, the American Farm Bureau and the Chamber of Commerce and other small business organizations that have come out in support of the

Inhofe-McConnell amendment and opposed to the amendments offered by our colleagues.

I wish to read a quote from one of those letters:

Congress, not the EPA, should be guiding America's energy policy. Without action by lawmakers, EPA's regulations will make it difficult to attract new manufacturing capacity and jobs in the United States, let alone double U.S. exports in 5 years, which is what our goal has been, as President Obama has pledged.

This letter is signed by a number of organizations, including the National Association of Manufacturers, the National Association of Wholesaler Distributors, the National Association of Independent Business, and the U.S. Chamber of Commerce. As I said before, I have other letters from major farm organizations, including the American Farm Bureau, in support of the Inhofe-McConnell amendment and opposed to the other political cover amendments that are being offered by our Democratic colleagues.

Let's get this done right. Let's send a message to the EPA and to the administration that this is the job for the Congress to deal with. This is something the people's representatives should be dealing with, not unelected bureaucrats and Federal agencies that clearly have an agenda but an agenda that is completely contrary to capital formation, to competitiveness, to job creation, and to economic growth. That is what this Congress should be focused on, and that is why a vote in support of the Inhofe-McConnell amendment is so important.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. MERKLEY. Mr. President, we have heard a lot of rhetoric on the floor of the Chamber today defending why air pollution is just fine, explaining why dismantling air pollution regulations is really in the interest of our economy and our families. Indeed, my colleague from South Dakota has listed a little shop of horrors—that the status quo creates economic uncertainty, that the air pollution regulations increase the risk rate of capital, that they destroy jobs, that they even hurt the elderly, that they are an abuse of power, unauthorized by Congress. I am wondering what else is left on the list of reasons to defend the dismantling of air pollution regulations that protect the American people, that are popular in the eyes of American citizens because they want to live in a world where they can enjoy breathing the air throughout our Nation.

Let's start by recognizing that the truth about the McConnell amendment is that it increases our dependence on foreign oil. We have heard something about it driving up the cost of oil. Is that right? Well, no, it is not. Repealing the endangerment finding and taking away EPA's part of the regulation of mileage standards is estimated to increase our consumption of oil by 455 million barrels.

Gas prices are about \$3.50 a gallon right now. So the McConnell-Inhofe amendment represents a \$68 billion expenditure on additional oil. It means importing \$68 billion more of oil. It means exporting \$68 billion in additional American dollars overseas to strengthen the economies in the Middle East, Nigeria, or Venezuela. That energy tax—the McConnell-Inhofe tax—is one that goes out of our country and hurts us in the worst way. It goes directly to oil companies—out of the pockets of working families, to some of the most profitable corporations in the history of human civilization. Gasoline prices are set by the law of supply and demand. If you increase demand for oil, you also drive up the price. So, if anything, the McConnell-Inhofe amendment doesn't decrease the cost of gasoline; it increases the cost of gasoline.

Politifact.com took on this issue because Members of Congress backing this amendment were arguing that it keeps gas prices from increasing. Politifact.com—that independent evaluator of claims made on the floor of the Senate, House, and other places—ranks that claim as false.

I can tell you that it is in our interest as a nation to decrease our dependence on oil, not to increase it. We need to decrease that dependence because it is important for our national security. We need to decrease that dependence because millions of dollars that are sent overseas often end up in the hands of those who don't share our national interests. We need to decrease our dependence on foreign oil because when those dollars leave our economy, they leave our family's finances. They don't end up in the retail stores or circulate here in America. Indeed, our purchase of foreign oil accounts for about 50 percent of our foreign trade shortfall.

At a time when both parties should be working together to put America's interests first on energy, the McConnell-Inhofe amendment increases our addiction to oil—foreign oil—and creates a supply impulse that raises the price of oil. Isn't that context completely misguided?

Perhaps the real issue is public health. This McConnell attack on the Clean Air Act asks Congress to vote in lockstep against the scientific judgment of EPA's scientists and to tell the agency charged with protecting the public health and the health of our children to ignore dangerous carbon pollution.

In 2010 alone, the Clean Air Act prevented 1.7 million asthma attacks, 130,000 heart attacks, and 86,000 emergency room visits because clean air isn't just pleasant, it is, in fact, healthy. It is great for the American quality of life to be healthy. You know, that is amazing progress that has been made over the last 20 years under the bipartisan Clean Air Act of 1990.

Instead, this amendment would yield to those short-term impulses that have come up on all sorts of aspects of the Clean Air Act. Each time the agency

has moved to say that this is a concern, there are those who say: No, no, in the short-term, that might cost me to adjust and we might have to do things slightly differently. Ten years later, everybody says: You know, it is good that we thought about mercury in the air, it is good that we took on lead in the air, and so on and so forth. Taking a longer term view, we need to stay together and resist these short-term impulses to take and dismantle the Clean Air Act.

The American Lung Association has specifically said the McConnell amendment is "a reckless and irresponsible attempt to once again put special interests ahead of public health. The American Lung Association, the American Public Health Association, and the Asthma and Allergy Foundation of America have urged that we resist the temptation to dismantle the Clean Air Act, which the McConnell-Inhofe amendment does. There is a very simple reason for that: Each of these amendments would have EPA put aside the practice of using science to set commonsense standards to protect public health. Instead, these amendments would have the science world put their head in the sand about these problems.

Indeed, I am not just concerned about the McConnell amendment; I am concerned about all of the amendments we are considering today that are designed to deflect, delay, and dismantle the protection of clean air. The Baucus amendment would take away EPA's ability to use the best science to continue to modify and tailor the standards they are setting for carbon pollution and their ability to make sure major polluters are all covered. The Stabenow and Rockefeller amendments would put a 2-year delay on pollution standards. It is tempting to think that a 2-year delay might be an acceptable middle ground, but a 2-year delay in protecting public health is 2 years too long.

Let me be very clear about this debate. The McConnell amendment and other associated amendments we will consider are wrong because we should not increase our reliance for energy on the most unstable regions of the world. We should not ship American dollars overseas for energy. We should not tolerate more pollution in our air and water. We should not decrease our ability to build on America's foundation of ingenuity and its inventiveness and respond to air pollution challenges and make those environmental decisions in clear partnership with a stronger economy.

I think that all of our constituents across this country, as they think, as parents, about the future of their children, know clean air is the right course. But our children probably understand better than we do another key aspect of this, because this conversation today is largely about carbon pollution.

We need to wrestle with the fact that carbon pollution has a very substantial

impact on the temperature across this planet. Before the Industrial Revolution, we had a carbon dioxide level of about 270 parts per million. The basic scientific consensus is that the level of carbon dioxide in the atmosphere needs to be kept somewhere below 350 parts per million. I would be pleased to report to you today that before we get to that point of 350, we are going to be able to make the adjustments necessary so that we don't end up in a situation where we are creating long-term adverse consequences for our planet. Indeed, we crossed that 350 boundary long ago. We are at 390 now, headed for 400. Ten to 15 years ago, it was going up one part per million per year; now it is going up two parts per million. So the curve is getting steeper, the pace is getting steeper. We are seeing this reverberating from coral reefs, to Arctic tundra; we are seeing it in ice sheets, in glaciers; and we are seeing it in insect populations that are thriving and decimating the forests of the Northwest, where I come from, that weren't there a few years ago. We are seeing it in all kinds of patterns across this planet.

When I visit university campuses, as students talk about the issues nearest to their hearts, the top issue is that we must address this threat to our planet. This conversation goes to the heart of it. My generation isn't as up to speed as our college students are about this, but the planet cannot wait for them to graduate, pursue their careers, run for office, and arrive here on the floor of the Senate. So it is our responsibility as Americans who are concerned about our dependence on energy, as Americans who are concerned about keeping our dollars in our economy and creating jobs, and as Americans who are concerned about the sustainability of our practices, to say no to McConnell-Inhofe and no to the other amendments being brought forward to delay or destroy or dismantle the Clean Air Act.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

AMENDMENT NO. 281

Mr. COBURN. Mr. President, we are going to have a series of stacked votes at 4 o'clock. I want to spend a few minutes on three or four amendments and clarify some of the things I have heard rumbling.

One is that we have an amendment that will, in fact, take away unemployment insurance for millionaires. Mr. President, 2,840 households who reported an income of greater than \$1 million or more on tax returns were paid \$18.6 million in unemployment insurance benefits in 2008. That number is higher in 2009. We don't have the final numbers yet. This included over 800 earning over \$2 million and 17 with excess income of \$10 million collecting unemployment benefits. We have an amendment that will prohibit that.

There has been some concern to say that the costs associated with that, the way it was scored by CBO, would neutralize it; the savings versus the cost

to eliminate that would be even. Even if that is true—and we have done a calculation, and we think it costs about \$900,000 a year to have people applying for unemployment sign a statement that their income is not above \$1 million. But even if it costs the same as what we are spending, we should not be giving unemployment benefits to people who are earning \$1 million a year. It is foolish, and it exacerbates the tendency of enriching those who are already there versus what unemployment insurance is for—so those who are truly dependent on it can survive. I wanted to clarify that point.

Regarding the second amendment, in March the GAO, in response to an amendment I put on the last debt limit, issued a report listing what they think are billions of dollars in savings in terms of duplication. I would be remiss to not say that our President embraced that. In his State of the Union speech, one of the goals of his administration is to eliminate duplication and consolidate.

So we have two amendments that are going to be on the Senate floor. One is mine and one is the amendment of the chairman of the Appropriations Committee, Senator INOUE. They are both designed to save us \$5 billion, but there are two big differences between those amendments.

My amendment tells OMB to have the study, find the \$5 billion, report to us what they can do themselves and what they need us to do to help them. Senator INOUE's amendment waits 6 months from the time we pass the bill—5 months for the study to come back, and then for us to do it, which means we won't have any savings at all until we are well into fiscal year 2013. Every year we waste \$5 billion on something we shouldn't is a year we are borrowing \$2 billion of it just to pay the bill.

So I understand it is a cover vote, but what it means is we will never get the \$5 billion in savings, whereas my amendment will get us \$5 billion worth of savings this year. The way we get rid of a \$1.6 trillion deficit is \$1 billion or \$2 billion or \$5 billion at a time.

Everybody recognizes the duplication. What we are asking the administration to do is take the very low-hanging fruit they can recognize right now, do the rescission, recommend to us, and then we act on it, rather than waiting 2½ years to get that done.

So it is very straightforward. We know there is significant duplication in the Federal Government. Let me just give some of the findings of the GAO report. Remember, this isn't TOM COBURN's report; this is a GAO report, and they only looked at one-third of the Federal Government—the first third. They have two more reports to come to us, with the second and third, and then yearly. We will get this report yearly on the problems of duplication in the Federal Government.

We have 47 job-training programs across 9 different agencies that we

spend \$18 billion on, and not one of them has a metric on it to see if it is effective. We are doing a study now in the Permanent Subcommittee on Investigations on what were the reports of the people who have been through this as to where it is helpful and where it is not because in our legislation, where we pass these job-training programs, we didn't ask for metrics to see if they were effective. So this is an area where we can consolidate one or two. Only three of those have charges that are totally separate from the others. The rest of them overlap one another.

There are five departments, eight agencies, and over two dozen Presidential nominees overseeing bioterrorism. We know we can consolidate that. We will actually be much better when we do in terms of our efficiency and communication between agencies. That is \$6.48 billion a year.

We have 20 agencies, 56 programs dedicated to financial literacy, and we don't even know what they cost. The GAO couldn't determine what they cost. So 56 different programs on financial literacy, and we are teaching people? We have a \$1.6 trillion deficit, and we are teaching Americans financial literacy? If we should teach them that, which is not a bad goal, why do we need 56 programs to do that?

We have 80 economic development programs across 4 different agencies. We are spending \$6.5 billion. Just consolidating administrative costs across those agencies could save \$100 million, \$200 million, \$300 million.

We have 15 agencies for more than 30 food-related laws. Even the President mentioned salmon. If they are in salt-water, they have one agency; if they are in fresh water, they have another agency. That is foolish. Why duplicate the work of one agency with another?

We have 18 nutrition programs—they are very important to our kids and those who are dependent on them—at \$62.5 billion. Do we need 18 programs to do that? Could we do it with 10, 8, 2, 3? The questions haven't been asked, but let's ask the OMB to look at the low-hanging fruit and to take the \$5 billion out and work with Congress to get it done in the next appropriations cycle.

There are 20 homeless programs across 7 agencies at \$2.9 billion; 82 teacher quality programs, 16 agencies and \$4 billion. Why would we have 82 teacher training programs? It just shows the magnitude of the problem that we have in terms of getting our budget under control, not managing effectively, and not doing the oversight we should.

We have 52 programs for entrepreneurial efforts. I don't have any problem with that, but why do we need 52? We have 35 programs to oversee infrastructure. Overseeing infrastructure is important, but why do we need that many programs? There are 28 programs to oversee new markets—28 different programs funded by the Federal Government across 6 different agencies to

oversee new markets. We could consolidate a lot of that.

So the President has said he wants to do this. We ought to give him the tools that will help him do it more quickly because every day we wait it costs us more money.

Finally, we will have a vote ultimately on the ethanol blenders' credit. I have been remiss not to give the No. 1 leader on that—who has a bill of her own—Senator FEINSTEIN, credit because she has led on this for a long time. Her bill is slightly different than the one we are going to offer, but she has led on that issue. She understands the importance of the environmental impact of burning ethanol, when we are actually burning more fuel and putting out more CO₂ than we would with pure gasoline because of the inefficiency of ethanol.

So I wanted to recognize her, and when we come to the vote on the blenders' credit I will ask her to speak on that, if she would.

Finally, I would say in regards to that issue, for people who don't understand, we are going to spend \$5 billion this year paying the major oil companies 45 cents a gallon to blend ethanol into gasoline. There is a Federal law that requires a mandate. It is called the renewable fuels mandate. Last year it was 12.5 billion gallons; this year it is 13.2. It is over 22 billion gallons 5 years from now that have to be blended.

We have a letter from the people who receive this tax credit—who are going to receive this \$5 billion—who say they do not want the \$5 billion; they do not need the \$5 billion. Yet we are going to have some resistance around here of not stopping a payment to those who receive it, and who don't want it, for something that is already mandated by law. They have put it in a letter saying they do not want it. It is already in the record.

Now, why would we continue to spend \$5 billion of our kids' money on something they do not want, that isn't going to change the outcome, and that we will have to borrow 40 percent of to make the payment? It is beyond me that we would do that, and so it is my hope we will be successful in overturning that.

With that, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. UDALL of Colorado. Before the Senator from Oklahoma leaves the floor, I wanted to join him in supporting the commonsense amendment he just outlined. The Coburn-Udall amendment would fix what I think most Americans, if not every single

American, would be shocked to discover; that is, millionaires and billionaires have been drawing unemployment benefits.

Now, unemployment insurance is a critical temporary safety net for Americans who need help to get by when they fall on tough times, but providing unemployment insurance for millionaires, much less billionaires, who do not need it for their basic necessities is fiscally irresponsible, to put it mildly. Frankly, it doesn't make much sense.

I think Senator COBURN put it best when he said it is foolish. We all recall that for months last year we struggled to find ways to put unemployment benefits in the hands of Americans who were really struggling in the face of this tough economic downturn. It was controversial and we worked hard on that in the Senate. It was drawn out because unemployment benefits are expensive, but I supported extending those benefits for out-of-work Americans because they help. We found a way, ultimately, to pay for them. But little did we know, in taking care of these good Americans, it was made even harder because literally—and this number astonishes me—thousands of millionaires and billionaires were abusing the system to draw extra payments for themselves. So it increased the price tag for all the rest.

In the end, we are talking about values. We are talking about hard work and playing by the rules. That is how most Americans operate. But there are a few folks always looking to game the system, and I can't believe that some of the most well-off among us have been asking for a government paycheck while out-of-work Americans, day in and day out, look for jobs. They want to provide for themselves, and they want to do it in an honest way. They don't want to draw those unemployment benefits. That is a decision and action of last resort.

We have had 13 straight months of private sector growth. We have added almost 2 million jobs. But our economy is still fragile, and too many Coloradans and too many Americans are looking for work. Families in my State, and I know in the neighboring State of Oklahoma, are working to balance their budgets and find a way to set aside money for college, taking care of their kids. Asking them to pay for unemployment insurance for millionaires is unbelievable.

So I am truly honored to work with my colleague from Oklahoma. This would save \$100 million. As the Senator said, every day we wait, we waste money. Every day we don't take an opportunity to save money, we are doing a disservice to the taxpayers.

So I ask my colleagues to support this amendment. It is a smart change, and it avoids tarnishing an otherwise worthy and critical way to temporarily assist Americans who have fallen on tough times.

Mr. COBURN. Mr. President, will the Senator yield?

Mr. UDALL of Colorado. I will be glad to yield.

Mr. COBURN. I thank the Senator for his cosponsorship and support on this amendment. I haven't had a chance to share this with the Senator—because I just received it—but I have a breakdown from the IRS of the 22 States that don't have any millionaires because they screen for it. Actually, it is not millionaires, it is those earning more than \$1 million a year. In other words, these are people who actually have incomes of greater than \$1 million a year in terms of adjusted gross income.

There are probably many more who have less than that, but we are saying here is a cutoff. It is a legitimate cutoff. So there are 22 States that don't allow this right now in their process.

I was wrong in my statement on the \$600,000 or \$800,000. The calculation of the cost of putting this in is \$200,000 a year. So for a very minimal cost, we will save \$20 million a year, at minimum. We are also going to create a system that will do what it is designed to do—not to help those who are already very comfortable but to help those struggling to make ends meet and find themselves out of a job.

Mr. President, I ask unanimous consent to have printed in the RECORD the report of unemployment compensation and adjusted gross income of \$1 million or more.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FILERS REPORTING UNEMPLOYMENT COMPENSATION AND ADJUSTED GROSS INCOME OF \$1M OR MORE

State reported on F1040	Tax year			
	2006	2007	2008	2009
Alabama	*	*	*	*
Alaska	*	*	*	*
Arizona	17	*	15	12
Arkansas	*	*	*	*
California	454	526	569	494
Colorado	20	18	18	19
Connecticut	72	79	143	148
Delaware	*	*	*	*
District of Columbia	*	*	*	*
Florida	87	87	72	90
Georgia	13	20	18	17
Hawaii	*	*	*	*
Idaho	*	*	*	*
Illinois	91	136	161	141
Indiana	14	15	16	14
Iowa	*	13	*	*
Kansas	*	*	11	13
Kentucky	*	10	*	*
Louisiana	14	*	*	*
Maine	*	*	*	*
Maryland	28	19	21	19
Massachusetts	114	130	110	143
Michigan	19	32	22	26
Minnesota	22	22	25	25
Mississippi	10	*	*	*
Missouri	*	*	21	*
Montana	*	*	*	*
Nebraska	*	*	*	*
Nevada	11	17	21	12
New Hampshire	*	*	*	10
New Jersey	164	217	328	251
New Mexico	*	*	*	*
New York	263	375	661	493
North Carolina	11	32	20	19
North Dakota	*	*	*	*
Ohio	21	21	37	12
Oklahoma	*	*	*	*
Oregon	13	12	18	17
Pennsylvania	100	114	126	125
Rhode Island	21	17	*	12
South Carolina	*	*	10	10
South Dakota	*	*	*	*
Tennessee	14	19	10	20
Texas	70	67	60	74
Utah	*	*	*	12
Vermont	*	*	*	*
Virginia	20	16	13	18

FILERS REPORTING UNEMPLOYMENT COMPENSATION AND ADJUSTED GROSS INCOME OF \$1M OR MORE—Continued

State reported on F1040	Tax year			
	2006	2007	2008	2009
Washington	34	42	46	42
West Virginia	*	*	*	*
Wisconsin	44	21	27	16
Wyoming	*	*	*	*
Other/Blank	*	*	11	12
Total Number of Filers	1,850	2,182	2,695	2,383

Notes: IRS does not report data where the number of Taxpayers is less than 10. Cells with less than 10 observations are represented with an asterisk. The above data are for taxpayers filing a Tax Year 2009 Tax Return.

Mr. UDALL of Colorado. Mr. President, the Senator makes important points, and it is a small investment, if you will, the \$200,000, in saving the taxpayers significant amounts of money. As the Senator points out, the important outcome is that the integrity of the unemployment insurance system is maintained.

I also would note, as the Senator from Oklahoma did, the point that it is \$1 million in income or more, not whether an individual has assets or something in that amount—in other words, a rancher who is fortunate enough to have lands valued at significant enough levels but who is illiquid and may be struggling to make ends meet. This applies to people, as the Senator points out, who have incomes of over \$1 million annually. That makes sense.

This is an important amendment. I urge all our colleagues to support it. We have a chance to vote for it later today.

Mr. President, it is my understanding that I was speaking on Senator COBURN's time, and I ask unanimous consent that the agreement reflect such allocation.

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

Mr. UDALL of Colorado. Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MERKLEY). Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, this afternoon, this Chamber is going to face a clear question: What matters more, children's health or polluters' profits? We will be voting on amendments that would cripple the government's ability to enforce the Clean Air Act.

This is a landmark law that protects our children from toxic chemicals in the air and illnesses such as asthma and lung cancer. In 2010, the Clean Air Act prevented 1.7 million cases of childhood asthma and more than 160,000 premature deaths. The numbers are big, but numbers do not mean much unless it is your child. If it is your child, there is no number that is too large to take care of that child's health.

If you want to know the real value of clean air to American families, talk to parents who live in fear of their child's next asthma attack. It is a fear my family knows very well. I have a grandson who is a terrific athlete, who is very energetic. He suffers from asthma. He is an athletic child. Every time he goes to play soccer, my daughter—his mother—will check first to see where the nearest emergency room is. She knows very well that if he starts wheezing, she has to get him to a clinic in a hurry. No parent should have to worry about letting their children play outside.

The fact is, the Clean Air Act has improved life for millions of young people. The Supreme Court and scientists agree that the Clean Air Act is a tool we must use to stop dangerous pollution.

This picture demonstrates so clearly what it is like with smog in the air, and it permits us to imagine what it looks like inside a child's lung. This picture shows what toxic skies look like. It is an ugly scene, but it is much uglier when it is inside the child's lungs or a child's body or anybody who is sensitive to polluted air. That is the picture coming out of the smokestacks, and the picture turns into reality when it is in the lungs or the body of an individual.

Allowing companies to reduce pollution, they say, would cost too much for polluters. Too bad. What is a life worth? What does it mean to someone who is sensitive to polluted air not to be able to get out or stop coughing or stop wheezing?

Allowing companies to continue polluting does not eliminate the costs. It simply shifts the costs to our families, our children, and all of us who breathe that air.

The American Lung Association and five other health groups sent a letter opposing all of these amendments. They say:

The Clean Air Act protects public health and reduces health care costs for all by preventing thousands of adverse health outcomes, including: cancer, asthma attacks, heart attacks, strokes, emergency room visits, hospitalizations, and premature deaths.

I am aware of the threat asthma can be. I had a sister who was a victim of asthma. If our families traveled together, she would have a little respirator that could be plugged into the cigarette lighter hole and enable her to breathe more comfortably. One day she was at a school board meeting in Rye, NY, where she was a member of the school board. She felt an attack coming on. Her instinct was to try to run to her car so she could plug in the machine to the lighter hole. She collapsed in the parking lot, and she died 3 days later. We saw it upfront and personal. It was a terrible family tragedy. She had four children at the time.

When we hear talk about how threatening it is to control pollution, we say, no, the threat is to family health and to our well-being. That is what we are

about in families with young people across this country and across the world.

It does not matter what the cost is. There is not a family in the world that would not dispose of all of their assets to protect and continue the life of a child.

History shows that the cost of cleaner air is very low compared to its enormous benefits. Thanks to the Clean Air Act, fewer parents miss work to take care of children suffering from asthma. More families avoid the crushing health care costs associated with a heart attack or stroke. People live longer, more comfortably, and have more productive lives. Simply put, weakening the Clean Air Act puts the profits of polluters ahead of the health of our children.

To see what the United States would look like without the Clean Air Act, we only need to look at China. On a visit there, I was scolded by the minister of environment that the United States was using too much of the world's oil, creating difficulties in the air. When I was in the minister's office, I invited him to join me at the window 23 stories up in the air. We looked outside and we could not see the sidewalk. That is how thick the polluted air was. The air in China is so polluted that many people wear masks when they walk outside. We do not want to be doing that in America.

This poison must not be the future. I do not want it for my grandchildren, and I do not want it for anybody else's children or grandchildren.

In our Senate, in our Congress, our goal must be to take care of our obligations to protect our families. And the strongest obligation anyone has, anybody we know who has children does not want to endanger their health. I ask all of my colleagues: Stand up. Vote down these dangerous efforts to destroy the Clean Air Act. It belongs as part of our environment. It protects our children, it protects the environment, and we must not let this opportunity be misunderstood and say: We have to vote no to give polluters a preference before our children.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. CANTWELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 183

Ms. CANTWELL. Mr. President, I rise today to speak against the radical McConnell-Inhofe amendment and in opposition to the efforts to overturn the Supreme Court. We should not be gutting the Clean Air Act and public health and environmental protections that are important to every American.

These anti-environmental, anti-public health, anti-economic riders, I be-

lieve, do not belong on a small business bill. When we boil it down, what is at stake is pretty straightforward. It is about the common good versus the special interests. The facts speak for themselves. According to some comprehensive reports, the Clean Air Act will save our economy \$2 trillion through the year 2020. And even more importantly, the Clean Air Act will cumulatively save 4.2 million lives by 2020.

Those are striking numbers, and that is why it is so important that we protect the Clean Air Act and turn down these radical amendments that would effectively overturn it.

Congress has stopped other radical attempts to overturn laws that are about protecting our environment and protecting the safety of American people. I remember the debate on MTBE, in 2003, on the Senate floor. MTBE is a highly toxic fuel additive, and very small amounts of it could severely contaminate water supplies. Yet MTBE manufacturers who were on the hook for billions of dollars of cleanup wanted a free pass. They wanted immunity. They came to the Senate hoping to get that. Yet a bipartisan group of Senators stood up to that proposal, and the proposal to let MTBE manufacturers off the hook was turned down.

There have been other attempts to overturn the Clean Water Act, the Endangered Species Act, the Superfund Cleanup Act. Sometimes they get only as far as draft bills or a committee hearing. Sometimes we have votes on them. But these issues all have one thing in common—it is about the greater good versus special interests. Time and time again, Congress has wisely come down on the correct side of the issue and has rejected these proposals by special interests.

The environmental protections that we have continue in force today because we have consistently stood up to fight for them. Passing an anti-EPA amendment would hurt our economy. That certainly is the case with the McConnell-Inhofe amendment. It would overturn hard-won gains from the 2007 Energy bill that put CAFE standards in place to improve fuel economy standards for American consumers. These standards were passed with bipartisan support and save consumers as much as \$3,000 over the life of a car through higher fuel efficiency. The proposed McConnell-Inhofe legislation seeks to overturn these advancements.

It is these fuel economy standards, which passed with bipartisan support in 2007, that are helping us to wean ourselves from dependence on foreign oil—not more domestic drilling. We could drill in every pristine, untouched corner of the United States—and sometimes it seems like the backers of those interests would like us to do just that—but in response to these calls, I would suggest you look at a recent letter Senator BINGAMAN and I received from the Energy Information Administration.

I ask unanimous consent to have the letter printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF ENERGY,
Washington, DC, Mar. 25, 2011.

Hon. MARIA CANTWELL,
Chairman, Subcommittee on Energy, Committee
on Energy and Natural Resources, U.S. Senate,
Washington, DC.

DEAR CHAIRMAN CANTWELL: This is in response to your letter of March 15, 2011, which seeks a better understanding of some of the long term impacts of the Energy Independence and Security Act of 2007 (EISA).

As noted in your letter, the long-term energy outlook which the Energy Information Administration (EIA) released just before EISA was signed into law (Annual Energy Outlook 2008 Early Release) projected a significant increase in U.S. dependence on imported petroleum through 2030. This finding is reversed in EIA's latest Annual Energy Outlook (AEO2011 Early Release), which projects a decline in U.S. dependence on imported petroleum over a forecast horizon that extends through 2035. Furthermore, over the 2008 to 2030 period, the cumulative reduction in net petroleum imports between the two sets of projections is about 26 billion barrels.

The policies enacted in EISA are responsible for much of the change in projected U.S. oil use. In particular, EISA mandated significant strengthening of both the corporate average fuel economy (CAFE) standards for cars and light trucks and the Renewable Fuel Standard (RFS) that was first enacted in the Energy Policy Act of 2005. However, other changes that have occurred since the AEO2008 Early Release was issued, including the outlook for oil prices and economic growth, have also influenced the more recent projections presented in the AEO2011 Early Release.

Following enactment of EISA, EIA conducted sensitivity analyses starting from the AEO2008 Reference case to estimate the effect of its key provisions. From these calculations, it is clear that EISA alone is responsible for a major reduction in projected oil consumption, which in turn reduces oil imports on an almost 1-for-1 basis. By 2030, the fuel economy standards provisions in EISA were estimated to reduce light-duty vehicle gasoline-equivalent fuel consumption by between 2.1 and 2.2 million barrels per day relative to a scenario where vehicle efficiency did not improve above the floor set by standards in effect at the time of enactment. Relative to a baseline that included projected market-driven improvements in fuel economy, the savings in fuel consumption due to the fuel economy provisions were still estimated at 1.2 to 1.4 million barrels per day. Furthermore, the RFS provisions of EISA were estimated to further reduce petroleum consumption by 0.3 to 0.6 million barrels per day in 2030.

The AEO2011 Early Release, which reflects current laws and regulations, does not include a further increase in fuel economy standards for model years 2017 through 2025 that is now under consideration in the regulatory process. The forthcoming release of the full AEO2011 will include alternative scenarios of increased light-duty vehicle fuel efficiency to illustrate how further actions by policymakers in this area could affect projected U.S. oil use and imports over the next 25 years.

Finally, while there are a variety of ways to place the major change in projected net petroleum imports resulting from EISA into perspective, comparisons to the level of U.S. proven crude oil reserves can be clarified by

explicitly recognizing that reserves are only a subset of available domestic resources. As discussed in my recent testimony before the House Committee on Natural Resources, additions to crude oil reserves replaced over 93 percent of cumulative U.S. crude oil production of 19.6 billion barrels from 2000 through 2009. For this reason, total U.S. crude oil reserves declined only modestly over that decade, decreasing from 22.0 billion barrels at the start of 2000 to 20.7 billion barrels at the start of 2010.

I hope that this information is responsive to your inquiry. Please do not hesitate to contact me if you have any further questions or concerns.

Sincerely,

RICHARD G. NEWELL,
Administrator, Energy Information
Administration.

Ms. CANTWELL. In 2007, the Energy Information Administration was predicting that our foreign dependency was going to continue to increase in the coming decades. I should note that after the 2005 Energy bill, I heard some of my colleagues on the other side say that that EIA forecast was the great predictor and that it was going to help us reduce our dependence on foreign oil. But the truth is, the subsequent EIA analysis made after we passed the 2007 Energy bill says just two policies in that landmark bill—the increase in CAFE standards and the renewable fuel standards—are responsible for a downward revision of projected U.S. dependence on foreign oil.

So the things that have made us less dependent on foreign oil are the very things people are trying to gut from important legislation that is already on the books. It is not the case that additional drilling, drilling and saying to the EPA: "Ignore the Supreme Court on the Clean Air Act," is going to help us. Reducing demand is going to reduce prices at the pump. Look at the example of the U.K., which produces almost all of its own oil from the North Sea. They still got hammered in 2008 when oil prices peaked at \$147 a barrel because there is a world market price for oil. So to refute the notion that we should skirt our environmental responsibilities and drill, drill, drill to protect ourselves from high oil prices, we need to look no further than the U.K. example.

I don't understand why the minority leader wants us to increase our Nation's reliance on foreign oil. I think we should be getting off foreign oil and not allowing polluters to addict another generation to that product. I think we should be getting off foreign oil, rather than have future U.S. generations compete with the Chinese for every last remaining supply of ever more expensive oil.

I agree it would be better if Congress acted to address our need to diversify our Nation's energy sources. I am anxious to work with my colleagues on the other side of the aisle to develop legislation that would use the power of the free market to do that and protect consumers at the same time. I am certain there is a bipartisan solution we can all agree to. But we can do this and

solve our carbon pollution problem by working together, not by burying our heads in the sand and saying we can ignore the Supreme Court's edict to enforce the Clean Air Act.

There is a way to reduce carbon pollution and transition to a 21st century economy and we can and should work together to achieve these goals. It does not have to be about picking winners and losers, and we can protect consumers in the process. I want to work with my colleagues on a framework that embodies these principles. But, until then, I urge my colleagues to vote against these amendments that will undermine our Clean Air Act; that will actually increase our dependence on foreign oil, force consumers to buy more gasoline, and make our air dirtier.

We can do better and I hope we will.

Mr. President, I ask unanimous consent that Senator BOXER, the chair of the Environment and Public Works Committee, be the next Democratic speaker and that she have up to 10 minutes.

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

Ms. CANTWELL. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mr. INHOFE. I ask unanimous consent that at the conclusion of the remarks of Senator BOXER, who I understand wants to speak for 10 minutes, I be recognized for about 10 minutes. That will be about the timeframe we have.

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

Mr. INHOFE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

(The remarks of Mrs. HUTCHISON are printed in today's RECORD under "Morning Business.")

Mrs. HUTCHISON. Mr. President, I wanted to speak on the McConnell amendment that Senator INHOFE has worked so hard to bring up, and also LISA MURKOWSKI from Alaska. We all know what is happening to gasoline prices in the United States right now. They have gone up now and the average is about \$3.60 a gallon. What we are looking at are more increases in those gasoline prices if the EPA is allowed to take an authority it does not have and regulate greenhouse gasses.

Some of the other amendments offered on this subject are well intentioned, but they do fall short of actually making a difference. The amendment before us repeals EPA's effort. It is very simple and very clean. Small businesses are struggling to survive, struggling to keep workers, and trying to make it in very small margins in this economic time.

Families are facing higher energy costs. We are all suffering. I have a pickup truck which I love to drive. I filled it up a couple of weekends ago. It was about \$60. That is a pickup truck. That is a basic form of transportation for many Americans. Farmers depend on affordable energy prices. They must put gasoline in their trucks, diesel in their harvesters, use energy-intensive fertilizer.

Higher costs for farmers means higher costs for food. You are talking about now an inflation we cannot afford in this kind of economic environment. During all of this, the EPA now wants to impose a new gas tax on America in the form of greenhouse gas regulation.

Last Congress I issued a report that documented how the Kerry-Lieberman climate legislation would impose a \$3.6 trillion gas tax on the American people. Using the data from EPA and the Energy Information Administration, we calculated that climate legislation would impose a \$2 trillion gasoline tax, a \$1.3 trillion diesel fuel tax, and a \$330 billion jet fuel tax.

According to the EPA and the senior Obama administration officials, regulations would be even worse than legislation. That was one of the main arguments they used in support of climate legislation, that the regulations would be even worse than cap-and-trade legislation.

But that is exactly what we are getting with the EPA now trying to regulate what we could not pass in the legislature, for good reason. The Baucus amendment could shield small businesses and farmers from EPA permit requirements, but it codifies the requirements for energy and fuel producers, meaning everyone in America will still pay higher energy prices.

The Stabenow and Rockefeller amendment only delays the higher energy costs and job losses for 2 years. That is not good enough. I hope my colleagues will see that this is our time to tell the EPA we will determine what we want them to regulate. That is the responsibility of the Congress. We are to make the laws, they are to implement them. They are not to reinvent them in their own model of what they have the authority to do, and we have not given them the authority to regulate greenhouse gases. The refineries say this added amount of regulation is going to cost so much that they will have to raise their prices in their factories, and that assuredly will raise the price of oil and gasoline through its use in our country.

This is an amendment. There is only one amendment of all the amendments

on this subject that will do the job. It is simple and clear. It would eliminate the EPA's ability to make regulations in an area that Congress has not authorized it to do. That is what we need to do. Congress needs to take the reins and halt the overregulation that is hurting our small businesses and hurting our economic recovery.

I hope my colleagues will join me in supporting the McConnell-Inhofe-Murkowski amendment.

Mr. REED. Mr. President, today, we are in the midst of another rapid increase in the price of oil and gas at the pump faced by our constituents. Rather than address this issue in a positive manner, we are once again debating an amendment whose authors believe that they have the expertise to determine that the EPA was wrong to conclude that greenhouse gases are pollutants, despite the preponderance of scientific evidence.

The McConnell amendment disregards the advice of leading scientists, doctors, and public health experts by not only overturning EPA's scientific endangerment finding but also telling EPA that it must continue to ignore what America's science experts are telling us about the dangerous impacts of carbon pollution.

The Supreme Court concluded in 2007 that the Clean Air Act's definition of air pollutant includes greenhouse gas emissions, rejecting the Bush administration's refusal to determine whether that pollution endangers Americans' health and welfare. The Senate should similarly reject this amendment, which would overturn that science-based decision.

There are many far-reaching consequences of this amendment, but I want to focus my attention on how it will disrupt the broadly supported and partnership-driven fuel efficiency standards for new cars and light trucks, thereby forfeiting many hundreds of millions of barrels of oil savings, including savings for the American consumer, and potentially reopening the debate to contentious litigation.

This would be a major step backwards in our efforts to decrease the cost of fueling at the pump. The price of gas weighs heavily on the budgets of American families, currently \$3.56 per gallon in Rhode Island and an increase of 27 percent over the same time last year. The cheapest gallon of gas is the one that you do not need to buy, which is why I have long championed improved fuel efficiency.

Last year's vehicle efficiency and emissions standards will save consumers more than \$3,000 in fuel costs over the lifetime of new vehicles. Increasing the standard to 60 mpg by 2025 could result in \$7,000 in savings. Our competitors in China and Europe already have higher efficiency standards. It is time that we create manufacturing jobs here in America by producing cars that save consumers money at the pump. I have been heart-

ened to see our auto industry begin to do just that, but we need to go further.

The McConnell amendment would accomplish the opposite by creating business uncertainty for our existing standards and stopping the development of future efforts to save more oil and money.

This amendment is part of the ongoing concern over how we will reduce carbon pollution, and there will always be the need to balance the needs for business development and environmental protection. But it does not have to be an either/or position. A healthy environment is important for a strong economy, and the 40-year track record of the Clean Air Act has shown us that the two can work well in concert.

We need to define our energy future, one that ends our dependence on foreign oil and confronts the challenges of climate change. This amendment accomplishes neither and I urge my colleagues to reject it.

Mr. LEVIN. Mr. President, there are various proposals before us that would impact efforts by the U.S. Environmental Protection Agency to address greenhouse gas emissions that contribute to global climate change.

While I have concerns regarding EPA's regulatory efforts in this regard, Senator MCCONNELL's amendment not only restricts EPA's regulatory work, but it would explicitly overturn an important science based EPA finding that greenhouse gas emissions may endanger the public health and welfare of current and future generations. Further, the McConnell amendment would repeal the mandatory reporting of emission levels of greenhouse gases, which began in 2009. The results of that reporting will help inform important policy decisions regarding how to reduce greenhouse gas emissions.

Senator ROCKEFELLER's amendment would establish a 2-year delay on any EPA action pertaining to greenhouse gas emissions from stationary sources, with the hope that Congress will act to reach a legislative solution to reduce greenhouse gas emissions economy-wide. I could support that because I prefer comprehensive climate legislation with targets and timetables that are technologically achievable instead of a regulatory regime administered by the EPA to address greenhouse gas emissions.

However, I cannot support the Rockefeller amendment because of its impact on the regulation of vehicle greenhouse gas emissions. The amendment would explicitly allow regulation of vehicle greenhouse gas emissions by EPA to go forward under the Clean Air Act, which leaves intact the authority for the EPA to grant a waiver for the State of California to regulate vehicle greenhouse gas emissions. The stated goal of the Obama administration, one I strongly support and have fought for, is to have a single national standard for vehicle fuel economy and greenhouse gas emissions, as is currently the case for model years 2012–2016. That

goal is defeated, however, if states can individually regulate these emissions, because the result is a patchwork of overlapping and conflicting regulations.

Senator STABENOW's amendment has many provisions I support. For instance, unlike the McConnell amendment, it would not nullify the EPA finding based on science that greenhouse gas emissions may endanger public health and the environment. It would also allow EPA to move forward with its reporting requirements, which will help inform policy makers as to how to best reduce greenhouse gas emissions. The Stabenow amendment would also allow the EPA to move forward with its planning to reduce greenhouse gases from stationary sources. Emissions of greenhouse gas emissions from agricultural sources would also be excluded from EPA regulation related to global climate change.

However, the Stabenow amendment would also leave intact EPA's authority under the Clean Air Act to issue vehicle greenhouse gas emissions standards and authority for EPA to grant a waiver to the State of California. I support the EPA and the Department of Transportation together developing a single national standard. If there is going to be a single national standard for 2017–2025, then logically there must also be preemption of state authority in this area. I cannot support an amendment that addresses EPA authority but leaves in place its authority to grant a waiver that is so problematic for our manufacturing sector.

I particularly regret that I cannot support the Stabenow amendment because it also includes an extension of the so-called section 48C advanced energy manufacturing tax credit, which I support. This tax credit—enacted as part of the American Recovery and Reinvestment Act—provides an important incentive for energy manufacturers to continue to invest in facilities in the U.S. I very much support extension of this tax credit and will work with my colleagues to try to extend it.

Mr. LEAHY. Mr. President, I urge rejection of all of the amendments offered today that would gut the Environmental Protection Agency's ability to enforce our Clean Air Act.

It has been proven time and time again that we can have both a clean environment and grow our economy. In fact without a clean environment, it is more difficult for us to grow the economy. Without the Clean Air Act we would be spending trillions of dollars more on health care costs and lost work days. Over its 40 years the Clean Air Act has been one of the world's most successful environmental and health protection laws reducing exposure to pollutants such as lead, ozone, sulfur dioxide, smog-forming gases, and mercury and other heavy metals and toxics.

Thanks to the Clean Air Act millions of lives have been saved by preventing premature deaths, heart attacks, can-

cer, asthma, and other life-threatening illnesses. But even after 40 years of action, pollution in many areas of the country still violates basic health standards, putting tens of millions of Americans' lives at risk.

In Vermont, while we don't have any coal-fired powerplants, we are still the victims of their pollution as it travels by wind across our borders into the Green Mountain State. Throughout the Nation, hundreds of thousands of Americans suffer every year from illnesses linked to emissions from powerplants, refineries and other large sources of air pollution and greenhouse gases.

Yet there are some powerful special interests and some Members of this body who would like to strip the EPA of its authorities to enforce the Clean Air Act because they reject the notion that greenhouse gases are air pollutants and harmful to public health, or they believe that we just cannot afford clean air. Methane, nitrous oxide, carbon dioxide, hydrofluorocarbons and other compounds are the ingredients of a pollutant cocktail forced on many millions of Americans.

The Supreme Court has determined that the Clean Air Act is "unambiguous" and that greenhouse gases, such as those I just mentioned, are "without a doubt" air pollutants under the Clean Air Act. As such, EPA is required to regulate these emissions since they endanger public health. The Supreme Court has given the EPA little choice, and the science is clear they must act.

The McConnell amendment would have politics, not science, decide which pollutants are hazardous and which pollutants should be regulated. If politics had been allowed to trump the compelling scientific evidence, we may have never phased lead out of gasoline, or reduced ozone-depleting chemicals, or tackled acid rain. Over the years powerful special interests have sought to block EPA's actions on all of these issues, arguing that the science was weak and the costs unjustified. Once again they are crying wolf and trotting out the same discredited arguments to fight greenhouse gas regulations today.

In enforcing the Clean Air Act, EPA is doing the job that Congress mandated decades ago. These amendments that attack the Clean Air Act would force the EPA to turn a blind eye toward polluters, the same polluters that are spending millions of dollars to lobby against the Clean Air Act.

I urge every Senator to talk to the parents and grandparents of children in their home States who suffer from asthma. Take the time to hear about the trips they have had to take to the emergency room and about the countless hospital stays because of the air they breathe, something so many of us take for granted. These attacks on the Clean Air Act would also lead to more heart attacks, more strokes, more cancer, and shorter lives.

I arrived in the Senate just 5 years after the Clean Air Act of 1970 was in-

troduced and unanimously passed by the Senate. I have supported efforts to reduce life-threatening pollutants, such as lead and mercury. And I will support efforts to reduce hazardous greenhouse gases, just as a majority of Americans do.

The truth is that the McConnell amendment and the other EPA amendments we will vote on today would hurt public health, cost consumers more, stifle the invention of new pollution prevention technologies which grow the U.S. economy and jobs, and further slow our transition to renewable energy sources. Since passage of the Clean Air Act, the benefits have proved to be 42 times greater than the estimated costs of cleaning our air. Our GDP has tripled since the Clean Air Act was passed.

In Vermont we are fortunate to have two of the preeminent innovation companies in the world, IBM and GE. These corporations and others like them rely on regulatory certainty when deciding what investments to make in research, technology, and expansion into new markets. These attempts to strip EPA of its authority under the Clean Air Act to regulate greenhouse gas emissions would send the wrong market signals to our innovators.

Myths are myths and facts are facts, and the fact is that pollution standards are by law both achievable and affordable.

They encourage energy efficiency, which reduces energy demand, reduces fuel consumption, drives down our dependency on fossil fuels and foreign oil, reduces operating costs, and lowers energy prices. In fact the most prevalent compliance response to EPA's carbon regulations will be using current and newly developed technologies to increase a plant's energy efficiency.

The McConnell amendment would render meaningless the progress that we have already made to invent new products that consume less fuel, pollute less, and create American jobs—jobs that cannot be sent overseas. The McConnell amendment would penalize those pioneering facilities that have already taken steps to clean up industry, and reward those who have seen these new standards coming for years, but have chosen to do nothing to protect the public. Instead they now pressure Congress to let them off the hook and to pass the long term health costs along to the public.

The evidence in favor of embracing a cleaner future is clear. We have an opportunity to encourage our innovative companies to be global leaders in new clean energy technologies that will create jobs here in America. We must stop supporting the dirty, outdated and inefficient technologies of the past.

By eliminating EPA's ability to impose scientific, health-based limits on carbon pollution from the Nation's largest polluters, the McConnell amendment and the other amendments that attack the EPA would only end up taking a hefty toll in Americans'

health and costing consumers more by increasing oil consumption and forcing them to pay higher fuel costs.

We need to support efforts for clean air and to reduce our dependence on fossil fuels. Lives are at stake. In 2010, in just 1 year, the Clean Air Act prevented 160,000 cases of premature death. By 2020, that number is projected to rise to 230,000.

The air we breathe is the heritage of the American people, not the property of the big polluters.

The people of this great country deserve better, and they want clean air as well for their children and grandchildren. That is why I urge defeat of these amendments to gut enforcement of the Clean Air Act. Stand up for a future with clean energy and economic growth that depends on a clean environment. Take a stand for the American innovation that will create more American jobs and technology to protect the public's health and the environment. And help more Americans live longer lives.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I am here because I want to urge a no vote on all these amendments that essentially stop the Environmental Protection Agency from doing their work as it relates to air pollution.

I am here to do that because never before have we ever interfered in the enforcement of the Clean Air Act. It has worked because we have seen tremendous advances in our clean air. Pollutants cause or contribute to asthma, emphysema, heart disease, and other potentially lethal respiratory ailments.

We know from the work of the Bush administration and that of the Obama administration that the endangerment finding that said greenhouse gases were dangerous for our health predicted that ground-level ozone would increase if we did nothing, and we would have more cases of asthma and coughing, and people staying home from school, and staying home from work.

The EPA's endangerment finding is key. Here is what they told us:

Severe heat waves are projected to intensify, which can increase heat-related deaths and sickness.

Remember, this is relating to carbon pollution, greenhouse gases, exactly what my colleagues are trying to either slow down cleaning up or stop cleaning up, in an unprecedented assault on our nation's health—unprecedented assault on our nation's health.

We even had a Senator stand up here and say, EPA does not have the right to regulate carbon pollution, greenhouse gas emissions. I would urge that person, and everyone else saying it, to read the Clean Air Act. It is so clear. And, by the way, the Bush administration did not want to enforce the Clean Air Act, and they went all the way to the Supreme Court, and the Supreme Court said no.

It is very clear in the Clean Air Act that, yes, Congress meant we should control this type of dangerous pollution once an endangerment finding is made. And that was made. What the McConnell amendment does—and my friend Senator INHOFE was actually the author of the full bill, the same thing—is essentially say that the EPA is overriden. They repeal the endangerment finding. That is like my coming here and saying, I want to repeal science that says that smoking causes lung cancer. Okay? I want to play doctor. I want to play scientist. It is absolutely a dangerous precedent because it involves our people. Climate change is expected to worsen regional smog pollution, which can cause decreased lung function, aggravated asthma, increased emergency room visits, and premature deaths.

Why on Earth do my colleagues want to repeal an endangerment finding—by the way, Senator MURKOWSKI tried and it failed, and it is going to fail here today. But the fact is, why should we play doctor? I know some of us have a great elevation of ourselves; a couple have doctorate degrees, but most of us are not scientists and doctors. We act as if we are. I am too humble to repeal science. That is what they do here.

Let's look at the health successes of the Clean Air Act. In 2010 alone, the act prevented 160,000 premature deaths, 1.7 million asthma attacks, 130,000 heart attacks, and 3.2 million lost days of school. I am telling you, the Clean Air Act has been a great success. The number of smog-related health advisories in Southern California has dropped from 166 days in 1976 to zero days in 2010.

Why on Earth would we want to mess with a law that has been working? It has been working. I defy anyone to point out a law that has worked as well as this one. We went from 166 days in Los Angeles, where people were told not to go outdoors, to zero days in 2010, because the EPA—by the way, created by a Republican President, Richard Nixon—does its job.

Look at the bipartisan support for the Clean Air Act. First of all, it passed the Senate 73 to 0, the House 375 to 1. The conference report was approved unanimously, and now, suddenly, I cannot find a Republican to say they fully support the Clean Air Act. What has happened to my friends on the other side of the aisle? This was a bipartisan issue. It certainly is with the people.

In 1990, we had a bipartisan vote signed by President George Herbert Walker Bush: Senate, 89 to 10; House, 401 to 25. That is why so many people in this country still support the Clean Air Act. Let's look at the results of that bipartisan poll we have. Bipartisan support.

It was created, the EPA, by Richard Nixon. Republican President George Herbert Walker Bush signed the reauthorization, and 60 percent of the people in this Nation—and this is a poll

that was taken February 14 of this year—say that the Environmental Protection Agency should update Clean Air Act standards with stricter air pollution limits. Listen. Stricter air pollution limits.

The polluters do not like it. They are crying all the way to the bank. They had the biggest profits they ever had, the oil companies. They do not want the EPA enforcing the law. By the way, my colleagues name this amendment something like The Gas Reduction Price Act or something like that.

They say this is going to help us stop gas prices from rising. It has nothing to do with that. Every time we move forward with Clean Air Act authorities, there are predictions from all the polluters about how horrible it will be, and we never had such a period of prosperity since Richard Nixon signed the Clean Air Act.

Sixty-eight percent say: Congress, stay out of the Clean Air Act standards. Leave them alone. Don't change them. The McConnell amendment and the others, all interfere.

Sixty-nine percent say EPA scientists, not Congress, should set pollution standards. This McConnell amendment and the others all put Congress in the middle.

The people are smart. They don't want politicians deciding what to do about their health. They don't come to us when they have asthma. They don't come to us when they get cancer. They rely on physicians. They rely on scientists. But we are playing doctor today. We are going to repeal or try to repeal the endangerment finding that went along with the EPA deciding to move forward and enforce decreases in carbon pollution.

On March 14 the Washington Post had a very interesting article, an op-ed piece signed by Christie Todd Whitman, EPA Administrator from 2001 and 2003, and William Ruckelshaus, EPA Administrator from 1970 to 1973, two Republican former heads of the EPA. They wrote:

Today the agency President Richard Nixon created in response to the public outcry over visible air pollution and flammable rivers is under siege. The Senate is poised to vote on a bill that would, for the first time, disapprove of a scientifically based finding, in this case that greenhouse gases endanger public health and welfare.

This is signed by two Republican former heads of the Environmental Protection Agency. The McConnell amendment is radical in the extreme. We have never before played doctor around here and repealed a scientific finding that said a certain type of pollution is a problem.

They also said:

It is easy to forget how far we have come in the past 40 years. We should take heart from all the progress and not, as some in Congress have suggested, seek to tear down the agency that the president and Congress created to protect America's health and environment.

If we are interested in bipartisanship, why don't we look at the facts. The

fact is, the American public supports EPA and the Clean Air Act. The fact is, Richard Nixon created the EPA. The fact is, George Herbert Walker Bush signed the Clean Air Act amendments. The fact is, it is very clear in the Clean Air Act that carbon pollution, any pollution related to climate change, is covered.

This is a reality check from someone who believes we should not go down this dangerous path of playing doctor, playing scientist, overturning the Environmental Protection Agency, which enjoys almost 70 percent support among the people of this greatest of all nations.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I agree in one respect with the Senator from California. Actually, we agree on a lot of points. We agree on infrastructure and things that we know the country needs. But in the area of the Clean Air Act, she said: Show me one Republican who supported it. I supported the Clean Air Act. It has been a tremendous success.

Stop and look at the real pollution. I am not talking about greenhouse gases. I am talking about the six real pollutants and what has happened. It is amazing the success of the Clean Air Act. I agree with that.

I remind everyone, though, that the Clean Air Act would not be regulating CO₂ except the court said: If you want to do it, you can. They did not mandate that it be done. That is worth considering.

Since I have the time until we will be voting on the first of three cover votes before they get to my amendment, I wish to correct my good friend from California. She referred to it as the McConnell amendment. It is the McConnell-Inhofe amendment. In fact, it came from my bill that I introduced with FRED UPTON sometime ago, a bill that is going to be voted on in the House Representatives today. So it is appropriate that we take it up now. This amendment has been postponed six or seven times. I applaud the majority leader for letting us have these votes. It is important that we do this.

This is what I believe is important. People need to understand a couple of things: First, this is all about, starting in the 1990s when they had the Kyoto convention that we were supposed to ratify, President Clinton never did submit it to the Senate for ratification. Nonetheless, it was one that regulated greenhouse gases. I remember at that time the Wharton School did an analysis that asked: What if the United States were to ratify the Kyoto treaty and live by its requirements? What would the costs be?

It came out somewhere in the neighborhood of between \$300 and \$400 billion. We never ratified it because the President never submitted it for ratification. Then in 2003, there came a number of votes. Almost every year we had

legislation introduced that would do essentially what the Kyoto treaty would have done, which would have been cap and trade. We had MIT and others look at it to see what in fact would be the cost if we were to do this.

I can remember when my good friend, the junior Senator from California, Mrs. BOXER, and I talked on the Senate floor the last time we defeated her bill—I think this might have been the Waxman-Markey bill, but it doesn't matter because they are all the same—I stipulated to the science. I said: All right. Let's assume the science is right. It isn't, but let's assume it is so we don't have to talk about that. Assuming it is, let's talk about the economics. That is where we developed what it would cost.

In my State of Oklahoma, I have a policy that when we talk about billions and trillions of dollars I try to put it into context as to how it will affect taxpayers in my State. I have a very simple thing I do. I take the total number of families who file tax returns and then I do the math. If I divide that, say, \$350 billion a year, that means the average taxpayer in my State would have to pay \$3,100 a year in additional taxes in order to pay for the cap-and-trade regime that comes with any type of legislation. We talked about that. Continually, we defeated each bill that came along.

This is the key. The Obama administration is very beholden to some of the far leftwing people. He had a commitment to try to pass some kind of cap and trade. He said: If we can't do it legislatively, we will do it through regulation. So we had all these regulations that EPA started coming down with.

I have to mention, of these regulations, one was very significant because I remember when she was before our Environment and Public Works Committee, I said to her—this is right before going to the big U.N. party in Copenhagen about 18 months ago—I have a feeling, Madam Director, that you are going to come up with an endangerment finding. When you do, it has to be based on science. What science will you base it on?

She said: Primarily on the IPCC.

To make sure everybody understands, the IPCC is the United Nations. They are the ones who came up with this whole thing and said this is what the end of the world is going to be.

I said: If you are going to have an endangerment finding that CO₂ is an endangerment to health, then it has to be based on science. What science will it be based on?

The answer was, the United Nations. It is going to be based on the science of the IPCC, the Intergovernmental Panel on Climate Change. That is the United Nations.

Coincidentally, right after that is when climategate came, and they found that they had been cooking the science for about 10 years and that the legitimate interests and input of real scientists were rejected. So the science just flat wasn't there.

That is why I said at the time that we had this bill up, I will stipulate to the science, even though the science is not there. I know it is not there, but what is there is the economics.

Here we were, faced with a situation where we were looking at the possibility of the Environmental Protection Agency regulating CO₂. I contend that they can do it if they have an endangerment finding, but they don't have to do it. The economic punishment to America would be tremendous. However, it wouldn't do any good.

Here is the big question: What if I am wrong? People have asked me: INHOFE, what if you are wrong? You have been leading this fight for 9 years. What if CO₂ does endanger health and cause global warming and all these scary stories we hear?

My response to that is, if that is the case, it is not going to make any difference because even the EPA director admits if we unilaterally pass some type of regulation that stops the regulation of greenhouse gases, it is not going to affect the overall release of CO₂ emissions.

The reason is simple. If we do it only in the United States, we would argue that is not where the problem is. The problem is in China, Mexico, India, and Third World countries that don't have any emission controls at all. So I think everyone agrees if we pass something like these regulations of the EPA unilaterally, it would not reduce emissions at all. Consequently, we would be incurring economic punishment to achieve nothing.

I would take it one step further. As we chase away our manufacturing base, as they say would happen, we would be in a position where they would go to countries where there is no emission controls. It would actually have the result of increasing emissions.

Even if Senator BOXER is right in everything she says, she is wrong in the respect that if we pass it, it will not lower emissions. That is the fact.

We are running out of time, but I have the time right up to 4 o'clock. I will go over four things that will happen, finalizing the vote that is going to be at 4.

Mr. BAUCUS. Will the Senator yield?

Mr. INHOFE. Let me finish because I am going to need all the time.

Mr. BAUCUS. I ask unanimous consent to speak for 2 minutes prior to the vote on my amendment.

The PRESIDING OFFICER. Is there objection?

Mr. INHOFE. Reserving the right to object, is the Senator talking about doing it after 4 o'clock?

Mr. BAUCUS. Before the vote, yes.

Mr. INHOFE. If he would include me to speak for 1 minute at that time, I have no objection.

Mr. BAUCUS. That would be fine.

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

Mr. INHOFE. Senator BAUCUS will have an amendment up. I think it is interesting. I refer to these three amendments as cover amendments. In other

words, there are a lot of Democrats who don't want to vote to take away the jurisdiction of the Environmental Protection Agency to regulate greenhouse gases, so they have offered other amendments. The Baucus amendment is one that is going to exempt certain small people, some small farmers and all that. But that doesn't exempt them from having their electricity rates escalate.

The American Farm Bureau says: We don't want any of the cover votes. We don't want the Baucus bill. We don't want Stabenow, and we don't want Rockefeller. Stabenow would also have a delay in certain parts of the regulation. The Rockefeller vote, which is going to be the third vote, is one that would have a 2-year delay. In other words, it says we can go ahead and do the regulation, but we will kind of put it off for 2 years.

The real vote and the one that is critical—and if there is anyone out there who doesn't want to go home and say: I am responsible for passing the largest tax increase in the history of America by defeating the Inhofe-McConnell amendment, then go ahead and vote that way. That is going to be a serious problem—not for me but for the Senators who might vote the wrong way.

The McConnell-Inhofe amendment will be the fourth vote. This is the critical one. The rest are cover votes.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. I ask unanimous consent that in addition to my being able to speak for 2 minutes and Senator INHOFE 1 minute, that Senator BOXER also be allowed to speak for 1 minute on this amendment.

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

AMENDMENT NO. 236

Mr. BAUCUS. Mr. President, I have a very commonsense amendment. It basically says: The general rule makes sense, but there should be a couple exceptions. The general rule is that we should have regulations on greenhouse gas emissions, but not for agriculture. I am talking about agricultural producers, not processors, the regulations which would still apply to processors.

We are talking about producers, agricultural producers. They should be exempt. Currently, there are not regulations. EPA may or may not pass regulations that affect agricultural producers. I think we should make clear to agriculture they are exempt. They are not the big greenhouse gas polluters.

Second, this amendment puts in place and codifies EPA's attempt to deal with small business with its tailoring rule. It may or may not be upheld in the courts. Passage of this amendment would allow this to be upheld in the courts.

Essentially, there are 15,000 emitters of greenhouse gas emissions that are the big ones. The other 6 million basically are the very small ones. What

about the big ones, the 15,000? Those are large plants run by big corporations. They essentially produce most of the greenhouse gas emissions. Ninety-six percent of these 15,000—the big ones—are already subject to EPA criteria. They have to get permits. Moreover, they emit 70 percent of the greenhouse gas emissions.

So I am just saying, for small businesses—there are a lot of them—it is very important they be exempt from EPA regulations. It is common sense. In general, it is OK, but it exempts agriculture and it exempts small business.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from Montana has consumed his 2 minutes.

Mr. BAUCUS. I thank the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Madam President, a point of inquiry, not to be taken from the time I have. The inquiry is, When we get into the four votes, are we going to have additional time arguing for and against the amendments?

The PRESIDING OFFICER. There is 2 minutes of debate, equally divided, between the stacked votes.

Mr. INHOFE. OK. I would ask the Chair, these 2 minutes are having to do with the Baucus amendment, the first one we will vote on; is that correct?

The PRESIDING OFFICER. Senator BOXER and Senator INHOFE each have 1 minute.

Mr. INHOFE. On the Baucus amendment?

The PRESIDING OFFICER. Yes.

Mr. INHOFE. OK. I thank the Chair very much.

Let me go first. In deference to my good friend, Senator BOXER, I said I would go first and she can go last.

Let me mention, this is only on the Baucus amendment. Yes, the Senator is right in presenting his amendment that it does exempt farmers and some small businesses from the higher costs and all that. But here is the problem with that: All we have to do is read the statement by the American Farm Bureau where they say: Look, all of our farmers across America—even if this only affects the refiners and the manufacturers, that increases the cost of fuel and the cost of fuel is going to go higher and we do not get anything for it. For that reason, they oppose the Baucus amendment.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, when Senator BAUCUS talked to me about his amendment, it sounded quite reasonable to make sure we codify the tailoring rule of the EPA, which exempts broad swaths of American businesses from their work on enforcing carbon pollution reductions. But as it came out—and I discussed this with him—it goes further. It harms the promotion of clean, renewable biomass, effectively stopping EPA's ability to use the Clean Air Act to encourage this kind of alternative energy.

It also undermines the Clean Air Act's New Source Review Program for carbon pollution, which ensures that the biggest polluters use modern pollution control technologies. It basically says the EPA cannot go and enforce it using the New Source Review unless there is another pollutant involved.

So as the chairman of the Environment and Public Works Committee, I have deep concerns. The Baucus amendment is opposed by leading public health organizations: the American Lung Association, the American Public Health Association, the American Thoracic Society, the Asthma and Allergy Foundation of America, Physicians for Social Responsibility, and the Trust for America's Health, as well as clean energy business, environment, and conservation organizations.

For that reason—although I fully understood the initial intent, and I thought it was laudable—this has transformed into an amendment that I do not support and the leading public health organizations do not support. So I would urge a "no" vote on the Baucus amendment.

I yield the floor.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to Baucus amendment No. 236.

Mr. BAUCUS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 7, nays 93, as follows:

[Rollcall Vote No. 51 Leg.]

YEAS—7

Baucus	Hagan	Levin
Begich	Johnson (SD)	
Conrad	Klobuchar	

NAYS—93

Akaka	Franken	Murkowski
Alexander	Gillibrand	Murray
Ayotte	Graham	Nelson (NE)
Barrasso	Grassley	Nelson (FL)
Bennet	Harkin	Paul
Bingaman	Hatch	Portman
Blumenthal	Hoeven	Pryor
Blunt	Hutchinson	Reed
Boozman	Inhofe	Reid
Boxer	Inouye	Risch
Brown (MA)	Isakson	Roberts
Brown (OH)	Johanns	Rockefeller
Burr	Johnson (WI)	Rubio
Cantwell	Kerry	Sanders
Cardin	Kirk	Schumer
Carper	Kohl	Sessions
Casey	Kyl	Shaheen
Chambliss	Landrieu	Shelby
Coats	Lautenberg	Snowe
Coburn	Leahy	Stabenow
Cochran	Lee	Tester
Collins	Lieberman	Thune
Coons	Lugar	Toomey
Corker	Manchin	Udall (CO)
Cornyn	McCain	Udall (NM)
Crapo	McCaskill	Vitter
DeMint	McConnell	Warner
Durbin	Menendez	Webb
Ensign	Merkley	Whitehouse
Enzi	Mikulski	Wicker
Feinstein	Moran	Wyden

The PRESIDING OFFICER. On this vote, the yeas are 7, the nays are 93. Under the previous order, requiring 60

votes for the adoption of this amendment, the amendment is rejected.

AMENDMENT NO. 277

There will now be 2 minutes of debate on the Stabenow amendment. Who yields time?

The Senator from Michigan.

Ms. STABENOW. For years, I have consistently and repeatedly said that we need to have a balanced and comprehensive American energy policy.

We can't just impose regulations; we need smart incentives to create the technology for a clean energy economy.

The Stabenow-Brown amendment is based on the framework developed on a bipartisan basis for the past 2 years to develop a truly comprehensive policy that would allow us to phase in regulations.

This amendment would allow the EPA to do its work but would have the enforcement of that work be done in 2 years. We would build on the successful advanced energy manufacturing tax credit, known as 48C, which has created jobs at 183 businesses in 43 States.

We have put the right incentives into place because we know when we do that we help businesses create good-paying jobs, and we can reduce carbon pollution at the same time.

Our amendment also follows what the EPA has indicated is its intention toward agriculture by giving our producers the certainty they need.

This amendment is a commonsense approach to addressing the issue of clean energy.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Madam President, parliamentary inquiry: Senator INHOFE and I will speak for 30 seconds each. Is that in compliance?

The PRESIDING OFFICER. The Senators have that right. The Senator from California.

Mrs. BOXER. Madam President, the Stabenow amendment suspends full implementation of the Clean Air Act as it relates to carbon pollution for 2 years, which is going to cost jobs and harm America's competitiveness. Worse than that, I think around here "delay" is sometimes a code word for "never."

A 2-year delay could become a long-term delay. It becomes more expensive, and in the meantime our air gets dirtier.

I will close with this: 68 percent of the people believe Congress should not stop EPA from enforcing Clean Air Act standards. Yet this amendment, and all of the others, do just that.

Let's stand with the people, with the American Lung Association, with the physicians who have taken a stand against all of these amendments, and allow EPA to do its job.

I yield to the Senator from Oklahoma.

Mr. INHOFE. Madam President, let me join my friend from California and say that the Stabenow amendment is similar to the one we voted on before. It admits that the EPA will harm man-

ufacturers, but it doesn't do anything to protect anybody from the higher price of energy. The farmers will tell you that, and everybody else will. With the 2-year delay, EPA can drop its regulatory hammer on farmers and businesses. I urge your vote against this amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 277.

Mr. INOUE. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 7, nays 93, as follows:

[Rollcall Vote No. 52 Leg.]

YEAS—7

Brown (OH)	Johnson (SD)	Stabenow
Casey	Klobuchar	
Conrad	Pryor	

NAYS—93

Akaka	Franken	Mikulski
Alexander	Gillibrand	Moran
Ayotte	Graham	Murkowski
Barrasso	Grassley	Murray
Baucus	Hagan	Nelson (NE)
Begich	Harkin	Nelson (FL)
Bennet	Hatch	Paul
Bingaman	Hoeven	Portman
Blumenthal	Hutchison	Reed
Blunt	Inhofe	Reid
Boozman	Inouye	Risch
Boxer	Isakson	Roberts
Brown (MA)	Johanns	Rockefeller
Burr	Johnson (WI)	Rubio
Cantwell	Kerry	Sanders
Cardin	Kirk	Schumer
Carper	Kohl	Sessions
Chambliss	Kyl	Shaheen
Coats	Landrieu	Shelby
Coburn	Lautenberg	Snowe
Cochran	Leahy	Tester
Collins	Lee	Thune
Coons	Levin	Toomey
Corker	Lieberman	Udall (CO)
Cornyn	Lugar	Udall (NM)
Crapo	Manchin	Vitter
DeMint	McCain	Warner
Durbin	McCaskill	Webb
Ensign	McConnell	Whitehouse
Enzi	Menendez	Wicker
Feinstein	Merkley	Wyden

The PRESIDING OFFICER. The yeas are 7, the nays are 93. Under the previous order requiring 60 votes for the adoption of this amendment, this amendment is rejected.

AMENDMENT NO. 215

Under the previous order, there is now 2 minutes of debate equally divided prior to a vote in relation to amendment No. 215, offered by the Senator from West Virginia.

The Senator from West Virginia.

Mr. ROCKEFELLER. Madam President, my plan would put EPA on hold for 2 years and no more, but not on hold from many of its other duties, for example, CAFE standards.

Many of our colleagues do not realize—and certainly the ones who are going to support the McConnell amendment do not realize—that 31 percent of all greenhouse gas emissions in this country come from the backs of trucks and cars. I do not stop them from going ahead and doing that. But I want breathing space so we can take 2 years—yes, there is a lot of frustration

in my State about EPA and permits, and I understand that very well. But I want to take 2 years so we can think as a body and actually come up with an energy policy. I am ready for that.

I am not the same person I was 2 or 3 years ago on this subject. But we need that time. I ask my colleagues respectfully to support my amendment. It stops at the end of 2 years, which continues the use of CAFE standards, allowing EPA to set those standards. I ask my colleagues to vote against the McConnell amendment, which I think is truly a stunning aberration.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Madam President, I will take 30 seconds and yield to my friend Senator INHOFE.

For the reasons we already said about public health or the protection of our Clean Air Act, I urge my colleagues to defeat the Rockefeller amendment.

Let me add one other point. The American renewable energy industry has written to us and told us that the uncertainty of a 2-year delay is more than 2 years. It causes American renewable energy companies to be at a disadvantage with foreign energy companies, costing Americans jobs. Uncertainty adds to job loss in America.

For the sake of the public health of Americans, for the sake of our economy, I urge my colleagues to reject the Rockefeller amendment.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Madam President, the 2-year delay encourages bureaucrats to stall new permits. It does not accomplish anything. It delays new construction, and it delays new jobs.

One of the interesting points about all three of these amendments is that everyone agrees EPA should not be regulating greenhouse gases. If you are going to have a root canal, does it help to wait 2 years?

I urge my colleagues to vote against the amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 215.

Mr. ROCKEFELLER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 12, nays 88, as follows:

[Rollcall Vote No. 53 Leg.]

YEAS—12

Brown (MA)	Johnson (SD)	Nelson (NE)
Collins	Landrieu	Pryor
Conrad	Manchin	Rockefeller
Graham	McCaskill	Webb

NAYS—88

Akaka	Baucus	Blumenthal
Alexander	Begich	Blunt
Ayotte	Bennet	Boozman
Barrasso	Bingaman	Boxer

Brown (OH)	Hutchison	Paul
Burr	Inhofe	Portman
Cantwell	Inouye	Reed
Cardin	Isakson	Reid
Carper	Johanns	Risch
Casey	Johnson (WI)	Roberts
Chambliss	Kerry	Rubio
Coats	Kirk	Sanders
Coburn	Klobuchar	Schumer
Cochran	Kohl	Sessions
Coons	Kyl	Shaheen
Corker	Lautenberg	Shelby
Cornyn	Leahy	Snowe
Crapo	Lee	Stabenow
DeMint	Levin	Tester
Durbin	Lieberman	Thune
Ensign	Lugar	Toomey
Enzi	McCain	Udall (CO)
Feinstein	McConnell	Udall (NM)
Franken	Menendez	Vitter
Gillibrand	Merkley	Warner
Grassley	Mikulski	Whitehouse
Hagan	Moran	Wicker
Harkin	Murkowski	Wyden
Hatch	Murray	
Hoever	Nelson (FL)	

the answer was no because it would only affect the United States of America.

This is your chance to vote against a major tax increase to the American people.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Madam President and colleagues, the question is simple: Can we protect our environment and grow our economy? And the answer is yes.

Forty years ago, naysayers claimed the Clean Air Act, signed into law by then-President Richard Nixon, was too costly and would doom our economy. They were wrong. We heard the same doom-and-gloom predictions in 1990 when President George Herbert Walker Bush led the effort to strengthen the Clean Air Act. They were wrong again. Since 1970, the efforts of the Clean Air Act have outweighed the cost 30 to 1, and the GDP has grown by more than 200 percent. The Clean Air Act has saved hundreds of thousands of lives, trillions in health care costs, and grown our economy. Now the naysayers warn that reducing carbon pollution will doom our economy. Ronald Reagan might say: Well, there they go again. But history and science say they are wrong.

If we don't take action, here is what it will mean: higher health care costs in America, destroyed coastlines, and an ever-growing dependence on foreign oil. That is not a recipe for economic success; it is a recipe for failure.

Let's keep America on the right course—one that saves lives and grows our economy. Please join me in voting against the McConnell amendment.

I thank my colleagues.

Mr. WICKER. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to amendment No. 183. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 50, nays 50, as follows:

[Rollcall Vote No. 54 Leg.]

YEAS—50

Alexander	Graham	Moran
Ayotte	Grassley	Murkowski
Barrasso	Hatch	Nelson (NE)
Blunt	Hoever	Paul
Boozman	Hutchison	Portman
Brown (MA)	Inhofe	Pryor
Burr	Isakson	Risch
Chambliss	Johanns	Roberts
Coats	Johnson (WI)	Rubio
Coburn	Kirk	Sessions
Cochran	Kyl	Shelby
Corker	Landrieu	Snowe
Cornyn	Lee	Thune
Crapo	Lugar	Toomey
DeMint	Manchin	Vitter
Ensign	McCain	Wicker
Enzi	McConnell	

NAYS—50

Akaka	Blumenthal	Carper
Baucus	Boxer	Casey
Begich	Brown (OH)	Collins
Bennet	Cantwell	Conrad
Bingaman	Cardin	Coons

Durbin	Leahy	Sanders
Feinstein	Levin	Schumer
Franken	Lieberman	Shaheen
Gillibrand	McCaskill	Stabenow
Hagan	Menendez	Tester
Harkin	Merkley	Udall (CO)
Inouye	Mikulski	Udall (NM)
Johnson (SD)	Murray	Warner
Kerry	Nelson (FL)	Webb
Klobuchar	Reed	Whitehouse
Kohl	Reid	Wyden
Lautenberg	Rockefeller	

The PRESIDING OFFICER (Mr. WHITEHOUSE). On this vote, the yeas are 50, the nays are 50. Under the previous order requiring 60 votes for adoption of the amendment, the amendment is rejected.

AMENDMENT NO. 281

Under the previous order there are now 2 minutes of debate, equally divided, prior to a vote in relation to amendment No. 281, offered by the Senator from Oklahoma, Mr. COBURN.

Mr. COBURN. Mr. President, this is a straightforward amendment that eliminates individuals who have adjusted gross incomes of greater than \$1 million per year from receiving unemployment benefits. Last year, we had 2,383 people who received unemployment benefits and also had an income tax return that had adjusted gross incomes above \$1 million. We had 40 that had adjusted gross incomes above \$10 million per year. It is a very straightforward amendment. I hope we would support it.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. UDALL of Colorado. Mr. President, I am pleased to join my friend from Oklahoma in supporting this amendment. He laid out the case in the strongest terms possible. We are spending \$100 million a year providing unemployment insurance for people who make over 1 million a year. It doesn't make any sense. It undercuts the integrity of the unemployment insurance program and it would save \$100 million, as I mentioned. I ask all of you to join us in supporting this amendment. Let's save the taxpayers some money.

I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. COBURN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 55 Leg.]

YEAS—100

Akaka	Boxer	Cochran
Alexander	Brown (MA)	Collins
Ayotte	Brown (OH)	Conrad
Barrasso	Burr	Coons
Baucus	Cantwell	Corker
Begich	Cardin	Cornyn
Bennet	Carper	Crapo
Bingaman	Casey	DeMint
Blumenthal	Chambliss	Durbin
Blunt	Coats	Ensign
Boozman	Coburn	Enzi

Feinstein	Leahy	Roberts
Franken	Lee	Rockefeller
Gillibrand	Levin	Rubio
Graham	Lieberman	Sanders
Grassley	Lugar	Schumer
Hagan	Manchin	Sessions
Harkin	McCain	Shaheen
Hatch	McCaskill	Shelby
Hoeven	McConnell	Snowe
Hutchinson	Menendez	Stabenow
Inhofe	Merkley	Tester
Inouye	Mikulski	Thune
Isakson	Moran	Toomey
Johanns	Murkowski	Udall (CO)
Johnson (SD)	Murray	Udall (NM)
Johnson (WI)	Nelson (NE)	Vitter
Kerry	Nelson (FL)	Warner
Kirk	Paul	Webb
Klobuchar	Portman	Whitehouse
Kohl	Pryor	Wicker
Kyl	Reed	Wyden
Landrieu	Reid	
Lautenberg	Risch	

[Rollcall Vote No. 56 Leg.]

YEAS—57

Akaka	Franken	Merkley
Baucus	Gillibrand	Mikulski
Begich	Hagan	Murkowski
Bennet	Harkin	Murray
Bingaman	Hutchison	Nelson (NE)
Blumenthal	Inouye	Nelson (FL)
Boxer	Johnson (SD)	Pryor
Brown (MA)	Kerry	Reed
Brown (OH)	Kirk	Reid
Cantwell	Klobuchar	Rockefeller
Cardin	Kohl	Sanders
Carper	Landrieu	Schumer
Casey	Lautenberg	Shaheen
Cochran	Leahy	Stabenow
Collins	Levin	Tester
Conrad	Lieberman	Udall (NM)
Coons	Manchin	Webb
Durbin	McCaskill	Whitehouse
Feinstein	Menendez	Wyden

NAYS—43

Alexander	Graham	Portman
Ayotte	Grassley	Risch
Barrasso	Hatch	Roberts
Blunt	Hoeven	Rubio
Boozman	Inhofe	Sessions
Burr	Isakson	Shelby
Chambliss	Johanns	Snowe
Coats	Johnson (WI)	Thune
Coburn	Kyl	Toomey
Corker	Lee	Udall (CO)
Cornyn	Lugar	Vitter
Crapo	McCain	Warner
DeMint	McConnell	Wicker
Ensign	Moran	
Enzi	Paul	

The PRESIDING OFFICER. On this vote, the yeas are 100, the nays are zero. Under the previous order requiring 60 votes for the adoption of the amendment, the amendment is agreed to.

AMENDMENT NO. 286

Under the previous order, there is now 2 minutes of debate equally divided prior to a vote in relation to Amendment No. 286 offered by the Senator from Hawaii, Mr. INOUE.

Mr. INOUE. Mr. President, my amendment addresses the concerns raised by the Coburn amendment, but it does so by using existing authorities established by the Impoundment Control Act of 1974. My amendment accomplishes the same objectives, but it maintains the proper deference to Congress on matters of appropriations.

The Coburn amendment simply duplicates that existing authority but removes the checks and balances. I urge a yes vote on the Inouye amendment and a no vote on the Coburn amendment.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. COBURN. I was looking for Senator WARNER in the Chamber.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I rise to urge adoption of the Coburn amendment. I believe the Coburn amendment actually adds teeth. We have a study here of duplicative programs from GAO. We have got to make sure we are, as we debate closing down the Federal Government, attacking real programs.

We ought to be able to save \$5 billion of administrative duplication within the 82 programs that were given in this guideline in the GAO report. I would urge adoption of the Coburn amendment after the Inouye amendment.

The PRESIDING OFFICER. The question is on agreeing to the Inouye amendment.

Mr. LEAHY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 57, nays 43, as follows:

along with many others, to sit on a shelf.

So I urge my colleagues to vote in favor of the Coburn-Warner amendment.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUE. Mr. President, since 1974, there has been a law on our books that does exactly what this amendment proposes to do. It does so without taking away the checks and balances we have in the government. It also does so in a proper way. It goes through the Congress of the United States.

This is an appropriations matter. So, therefore, I hope all of us can vote no on the Coburn amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. CONRAD. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 64, nays 36, as follows:

[Rollcall Vote No. 57 Leg.]

YEAS—64

Alexander	Enzi	Moran
Ayotte	Graham	Murkowski
Barrasso	Grassley	Nelson (NE)
Baucus	Hagan	Nelson (FL)
Begich	Hatch	Paul
Bennet	Hoeven	Portman
Blumenthal	Hutchison	Risch
Blunt	Inhofe	Roberts
Boozman	Isakson	Rubio
Brown (MA)	Johanns	Sessions
Burr	Johnson (WI)	Shaheen
Carper	Kerry	Shelby
Casey	Kirk	Snowe
Chambliss	Klobuchar	Tester
Coats	Kohl	Thune
Coburn	Kyl	Toomey
Collins	Lee	Udall (CO)
Corker	Lugar	Vitter
Cornyn	Manchin	Warner
Crapo	McCain	Wicker
DeMint	McCaskill	
Ensign	McConnell	

NAYS—36

Akaka	Gillibrand	Murray
Bingaman	Harkin	Pryor
Boxer	Inouye	Reed
Brown (OH)	Johnson (SD)	Reid
Cantwell	Landrieu	Rockefeller
Cardin	Lautenberg	Sanders
Cochran	Leahy	Schumer
Conrad	Levin	Stabenow
Coons	Lieberman	Udall (NM)
Durbin	Menendez	Webb
Feinstein	Merkley	Whitehouse
Franken	Mikulski	Wyden

The PRESIDING OFFICER (Mr. BENNET). On this vote, the yeas are 64, the nays are 36. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is agreed to.

AMENDMENT NOS. 184 AND 217

Under the previous order, amendments Nos. 217 and 184 offered by the Senator from Oklahoma are agreed to.

Mr. GRASSLEY. Mr. President, I would like to briefly explain my vote in favor of amendment No. 273, offered by Senator COBURN. The amendment seeks to save at least \$5 billion by consolidating duplicative and overlapping

The PRESIDING OFFICER. On this vote, the yeas are 57, the nays are 43. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

AMENDMENT NO. 273

Under the previous order, there is now 2 minutes of debate equally divided prior to a vote in relation to amendment No. 273 offered by the Senator from Oklahoma, Mr. COBURN.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, we have one more vote in this series of votes. This will be the last vote tonight. We are now going to continue working on this piece of legislation. People should talk to the manager of the bill if they have other amendments. We have quite a few we have to work through, but I think we have had a lot of success today.

We are still working on seeing if we can get a budget deal, everybody. I have a meeting at the White House at a quarter to 9 tonight with Speaker BOEHNER.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I rise to speak in favor of the Coburn-Warner amendment. Refreshing everyone on the point I made just a couple moments ago, the GAO created a study that gives us a guidepost of where we can start eliminating some of the duplication and replication in Federal programs. This does not go to the heart of service delivery. It does go to anybody who has been a Governor or mayor in this body, who knows you can find, in moments of tough times, savings at the administrative level. This is a guideline. If we cannot find \$5 billion in administrative savings from this guidepost, then this study will go,

government programs. I wholeheartedly support efforts to save taxpayer money by eliminating waste, fraud, abuse and inefficiency within the Federal Government. A congressional responsibility that I take very seriously is our day to conduct oversight of Federal agencies.

I recognize that Senator COBURN's amendment is based on a Government Accountability Office report to Congress which identified programs and initiatives that have duplicative goals or activities. The report included 34 areas where billions of dollars could be saved. It included seven areas within Defense Department programs. It proposes saving millions by consolidating Federal data centers that today are spread across 24 Federal agencies. It identifies duplication in 44 separate employment and training programs, which could save millions of dollars. I also understand that the blender's credit for ethanol was singled out in the report.

In voting in favor of the amendment, I want to make clear that I do not consider the ethanol blender's credit to be a duplicative program, nor do I believe it should simply be eliminated. I would also like to make clear that the GAO report suggested a number of policy options that Congress could consider when revising the tax incentive. My colleagues should know that I, along with other Members of the Senate, are currently working to reform and restructure the tax incentives for ethanol production and consumption. Many of the reforms we are exploring are the same options suggested by the GAO report.

It is my hope then, that the Senate will consider thoughtful, constructive reforms to the ethanol tax incentive, rather than the proposal put forth by Senator COBURN with amendment No. 220 that would end the incentive immediately.

The PRESIDING OFFICER. The majority leader.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent to proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

BUDGET NEGOTIATIONS

Mr. REID. Mr. President, this budget we have spent so much time talking about is really about making tough choices, hard choices, difficult choices. The American people understand this. They understand tough choices. They have to make them every day, especially now with the economy being in the shape it is in. So should their representatives in Congress make tough choices.

We are being honest with ourselves over here. We know we can't get 100

percent of what we want. That is what this negotiation is all about. That is why this is a negotiation. It is not a winner-take-all situation.

Democrats have made tough choices because we want to get this agreement finished. We want it completed. We want to keep the country running and keep the momentum in the economy that is now creating jobs. We want to avoid a shutdown and the terrible consequences that would follow.

The only thing Republicans are trying to avoid is making the tough choices we need to make. We have been more than reasonable. We have been more than fair. We meet them halfway, and they say no. We meet them more than halfway, and they still say no. We meet them all the way, and they still say no. If Republicans were serious about keeping the country running, all they would have to do is say yes.

Now we learn House Republicans are going to make another excuse, create another diversion, and avoid another tough choice. Instead of solving the crisis the way we should, instead of saying yes, they say, in fact, what they are going to do is pass what they will call another short-term stopgap measure. They will say it is short term, but what that really means is it is a short cut—a short cut around doing our jobs. Instead of solving problems, they are stalling. They are procrastinating. That is not just bad policy, it is a fantasy.

We all heard the President of the United States say yesterday that he won't accept anything short of a full solution. And why should he? We are 6 months into the fiscal year now. President Obama is right. We can't keep funding our great country with one stopgap after another. The United States of America, this great country of ours, shouldn't have to live paycheck to paycheck. We are not going to give up. We are going to keep talking and keep trying to find middle ground. The Speaker and I will go back to the White House tonight in 2 hours and 20 minutes to meet with him again to continue the conversation we have been having for weeks with this administration.

We know the Republicans are afraid of the tea party. That has been established. Now it looks as though they are also afraid of making the tough choices we have to make. But tough choices are what governing is all about. They are what leadership is all about. It is time for my friends in the House of Representatives to stop campaigning and start governing.

And remember what one of the greatest Speakers of all time said. In fact, he was Speaker three times. He was from the State of Kentucky. Henry Clay. He was known as the "great compromiser." He said that all legislation is based on mutual consensus. That is what this is all about. But remember, let's focus on the word "mutual." It takes both of us.

Mr. President, it is time to lead.

I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CARDIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

GOOD FAITH NEGOTIATIONS

Mr. CARDIN. Mr. President, I wish to spend a moment or two talking about how devastating it would be for our country and for the people of our country if, in fact, we have a government shutdown.

I represent Maryland, and there are a lot of Federal workers in Maryland. They are very concerned because it will affect them. A government shutdown will affect everyone in this country. It will affect people who depend upon their government being there to serve them.

If you are depending upon a timely IRS refund check and the government is shut down and you need that money and are counting on it—it is your money—you may find out, if the government is shut down, there is no one to talk to and that check will be delayed.

If you are a person who is entitled to Social Security disability payments and you have a case that is pending, there will not be people there to resolve that case and you will have to wait. That could also very well affect your ability to literally pay your bills.

If you are doing research at NIH—cutting-edge research—which depends upon the continuity of the work in order to discover the answers to many of the problems we face in health care, that will be disrupted if we have a shutdown of the government.

The bottom line is, everyone loses if we have a shutdown of our governmental body. The taxpayers lose. Study after study shows that a shutdown of the government will actually cost the taxpayers more money. It makes no sense at all. Yet there are some in the House who say: Look, bring on a shutdown. They are not negotiating in good faith. They are saying it is our way or the highway. Basically, they want to shut down the government.

We need to negotiate in good faith. It is not going to be what the Democrats or the Republicans want. That is how the system works. You have to negotiate in good faith. I know our leaders are doing that. I urge all of us to understand the consequences of a shutdown and make sure we take steps to negotiate in good faith and have a budget agreement completed by Friday of this week.

I want my colleagues to understand why people in my State should be very concerned about the budget that passed the House of Representatives—the Republican budget. It would hurt children