install the maximum available control technology on their boilers. This is important in order to clean the air of such pollutants as mercury.

That is a good idea. What is a bad idea is EPA only gives 3 years for companies to install this technology, a time frame that is completely unrealistic. This is not like a lot of the other clean air laws and rules that have been around for years; this is an unexpected new rule on thousands of industrial boilers which are essential to our manufacturing jobs in America.

First, there is not enough time to comply with the rule, and second, EPA used a flawed methodology in determining what fuels could be used. As a result, little businesses and big businesses all over America are going to be forced to spend hundreds of millions of dollars trying to comply with this rule instead of spending that money on creating jobs.

That is just not one Republican Senator saying this. We have 12 Democratic Senators and a number of Republican Senators who have introduced legislation. Senator COLLINS is the leader of this effort. I am a part of it. So is Senator WYDEN, Senator PRYOR, and Senator LANDRIEU. What we are saying is, let's give the EPA enough time to fix the rule. Fifteen months is what EPA has asked for. Let's give the EPA additional authority to use the correct methodology so they can write a rule that makes some sense and does not act as though it is delivered from Mars or Venus or some other planet, and then let's give the industries enough time to comply with the rules, instead of 3 years, which is what the rule suggests, we will give them 5 years.

Let me try to give some sense of the impact of this unworkable rule. Its estimates that this rule will result in a loss of 340,000 jobs nationwide. We just passed, in a bipartisan way, three trade agreements which the President said would create 250,000 jobs. It took us 3 years to do that. It was something Republicans and Democrats agreed on. We thought that was a big step forward. Yet here we are allowing this agency to go forward with an absolutely unworkable rule that will cost 340,000 jobs. In my State of Tennessee, the cost to businesses is $530 million.

I have talked to owners of small businesses who are facing a $1 million cost to try to implement this unworkable rule on their boilers. They have told me they will close their plants. They cannot possibly afford it comply with this rule in this short of a time period.

I have talked to large industries that are affected. Eastman Chemicals is one, they've been in Tennessee forever. It is as an important part of our State as the Great Smoky Mountains are. Thousands of Tennesseans work there. This is what they say: They are going to spend more than $100 million over and above the work they have already planned in order to bring five Eastman boilers into compliance with the EPA regulations.

This is a company with $7 billion in revenue. They are going to survive. But some jobs will not. Instead of creating jobs with that money; they will just be trying to comply with an unworkable government regulation. The majority leader said on the floor: Regulations don't cost jobs. Here is a prime example that shows unworkable regulations do cost jobs. And 12 Democratic Senators and at least as many Republican Senators agree on that. We have a bipartisan way to fix this rule. The House, in an overwhelming bipartisan vote, agreed with us by passing similar legislation.

I want to call this Collins-Alexander-Wyden-Pryor-Landrieu legislation to the attention of the public, to the attention of the Senate, and say, there are some regulations that are before us that need to be changed. They are costing jobs. This is not Republican rhetoric or Democratic excuses. It is Republicans and Democrats saying to the EPA: We want to give you the authority to write a good rule. We want you to fix the rule. We want a clean air standard. We do not want to change the end result of the rule, but we want to give you enough time to write the rule. We want you to be able to use the correct method in writing this rule so companies can comply. And we want to give companies enough time to install these technologies so they can make reductions in these harmful pollutants.

The ACTING PRESIDENT pro tempore. The Senator has used 4½ minutes.

Mr. ALEXANDER. This is a rare piece of legislation, something we agree on across the aisle, that could immediately save 340,000 jobs, that keeps the clean air rule the EPA has proposed, but simply gives them time to write it properly, the authority to write it properly, and businesses the opportunity to comply with it within a reasonable period of time.

I hope we will adopt it.

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. RUBIO. Madam President, I ask unanimous consent that the order for the quorum call be rescinded, and Senator COONS and I be allowed to engage in a colloquy for up to 15 minutes.

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

AGREE ACT

Mr. RUBIO. Madam President, we are going to start today by talking about job creation in America. I wish to turn it over to Senator COONS to begin this conversation about a very important piece of legislation we filed jointly yesterday.

Mr. COONS. I thank the Senator.

Senator RUBIO and I have come to floor today to talk about our shared experiences. In my home State of Delaware, over the 1 year I have been a Senator—and over the years before that, I served in county government—I have heard from hundreds, even thousands, of families and individuals looking for work, deeply hurt and challenged by the ongoing slow economic recovery. Folks have come to us asking for opportunities for assistance, for promise and hope.

In reality, I think what is causing some real concern in this country, in my State and most likely in yours, Madam President, and most likely in Senator RUBIO's as well, is a broadly shared concern that we here in the Capitol, we in Congress, are not capable of getting past the partisan politics and making real progress in tackling the job-creating challenges before us.

Let me, if I could, quote from a couple of letters I have received from Delawareans in the last few months. Lawrence from Milford wrote my office: Congress needs to stop the political arguing and take positive action to make America and our economy strong again.

Janet from Wilmington wrote: I am the owner of a very small business. I have been in business 29 years and I have never seen it as tough as it is today.

Joseph in Smyrna summed it all up in a letter he wrote: Our economy needs jobs now.

Delaware is a great place to grow a business, to raise a family, to achieve success. But we have the toughest economy we have seen in generations. The folks we represent expect us to act, and they expect us to find ways to work together and to get past the partisan divide that has made it so difficult for us to make progress.

I ask the Senator what sorts of things has he heard from his constituents in Florida, and how has that motivated the Senator to act?

Mr. RUBIO. Let me point out a couple of things before we begin; that is there are a lot of issues in this process we are not going to agree on. There is an ideological divide about a lot of major issues—the role of government, how do we get the economy growing again, and what government can do about it. The people of America recognize that. They recognize that issues of that magnitude ultimately are solved at the ballot box. You elect people. People run for office on their competing visions of government's role, and you decide those elections. We are going to have one in November of 2012.

But what do we do over the next 12 months? Do we stand around and do nothing and continue to bring up pieces of legislation from both sides of the aisle that we know are going to fail, just to make political points, or do we actually begin to act? There are a lot of reasons why I think we need to act.

I want to share with you an e-mail I received from Stephanie, who lives in Vero Beach. It breaks your heart. I

think it is very typical of the ones Senator COONS probably has gotten, and I bet you all of the other Members of this institution have gotten.

She writes: I am not sure who to turn to with this question. I am a true Floridian. I was born and raised in Florida. As you know, the unemployment rate is horrible and I had to file for unemployment benefits for the first time ever. And I was just informed that I exhausted my benefits. Where do I turn for help? There are no jobs available. I have searched for a job daily and get excuses such as: You don't have enough experience, or you are overqualified, or I am suggested to go back to school. How am I going to go back to school if I have no money to pay for school or have no job and no money to pay my bills.

It goes on to outline other problems. But at the end it says: Many people like myself have nowhere to turn. Hopefully you can help me or at least suggest what I can do. Thank you for your time.

There is the voice of real desperation, of real people in the real world who want to work, have always worked, and cannot find a job. This is the No. 1 issue in America. There are a lot of issues floating around here and they are important issues. But this is the No. 1 issue in America of everyday, hard-working people who cannot find a job.

Can government create jobs for them? In government. But, by and large, there are things government can do to help create an environment for job creation. So what we have done is we have sat down and we have analyzed what things we have agreed on. There are things that are the President's plan, that are also in the Republicans' plan that the House has passed, that our colleagues have filed. What we came up with is this piece of legislation that Senator COONS is going to describe in a moment.

It is literally sitting down. It is a collection of bills we have agreed on. What people want to know is, I understand you are going to have arguments about the things you disagree on, but why are you arguing about the things you agree on?

Maybe this is a good segue for Senator COONS to start describing some of the measures that are in this bill, the things we agree on, the things we can act on and do right now to help people such as Stephanie and people in your home State and people in every one of the States in this country who are struggling to find a job and are looking for some ray of hope that this process here in Washington has an understanding about what they are going through and are actually willing to do something about.

Mr. COONS. We together yesterday announced the introduction of the AGREE Act, the American Growth Recovery Entrepreneurship and Empowerment Act, which conveniently spells out ''agree.'' The core principle, as Senator RUBIO described, was for a real Republican and a real Democrat to look through all of the different ideas that have been put out there, in the President's jobs bill, by the President's Council on Jobs and Competitiveness, by Members of the Senate and the House from both parties, that we could come to agreement on, and to put them into a bill packaged to assemble all of these ideas and to put them out and hopefully we will pick up cosponsors, hope it will pick up steam, and hope we can demonstrate to the American people, to the families Senator RUBIO and I have heard from in letters and e-mails and tweets, who have expressed real concern.

The basic big-picture proposals in this bill are, first, extending tax relief for small businesses. There are three different provisions that have already been in law but that would be extended by this bill: for capital gains exclusions for 5-year investments in qualified small businesses, for accelerated depreciation, and for increased expensing, all of which would help small businesses invest in growth; encouraging cutting-edge research and innovation by making permanent the R&D tax credit, and by adding something to it that I think has real potential, an added incentive for companies that invent something here to manufacture it here; another, commonsense regulatory relief for fast-growing businesses that seek to go public; another, an idea originally championed by Senator CASEY, providing incentives through the Tax Code for veterans to become franchise owners and entrepreneurs; reducing some immigration barriers that prevent highly skilled workers who studied here from staying here; and now the last point, protecting American businesses from intellectual property theft, strengthening our ability to prevent counterfeit goods from coming into American markets by fixing a small but real barrier to effective border protection against counterfeiting.

All of these provisions are provisions that have already enjoyed bipartisan support in other settings. We have simply assembled them together, put them into a commonsense package, and want to move them forward.

I ask Senator RUBIO, what sort of response has our action gotten so far from people in Florida, around the country, who might have contacted the Senator about this initiative?

Mr. RUBIO. It has been a very positive response, and I will tell you why, for a couple of reasons. No. 1 is, every time people open a newspaper or turn on the television, what they get from Washington is bad news. A week ago, in a speech I gave, I said it resembles professional wrestling to them. It seems as though there are people from the Republican side and Democratic side who go on TV and scream at each other about what is happening. People watch it. And they get it, that there are differences between us. But is there anything—don't we all live in the same country? Are we not seeing the same economic conditions? What are the things we can work together on? Why are we not hearing that?

Let me tell you the impact in the real world of all of that bad news. The impact is that people get scared. So imagine for a moment, you are a job creator. You have got some money to invest this year. You have to decide, do I leave it in the bank or do I take this money and use it to grow my business?

Well, the safe thing to do is to leave it in the bank. But what job creators and entrepreneurs want to do is to create new jobs. They want to grow their businesses. Who does not want to grow their business? Who does not want to add customers? Now you have to make a decision. Is now the right time to grow my business or the wrong time?

One of the things people look at is the political climate. Are the people in charge of government—in Washington especially? That is the one that gets the most attention. How are they working? Are they getting things done? Is it positive or negative things that are happening?

As much as the measures here are meaningful—and we are not claiming this solves all our economic problems, but they are meaningful—if you are a small business looking to invest next year in buying capital investment for your business, there is an incentive to extend the tax credits to help you do that. More importantly, they will be able to open the newspaper and read that Republicans and Democrats came together and passed a piece of legislation on which they agreed.

I don't think you can underestimate or, quite frankly, really measure the kind of psychological impact that could have on job creators—to actually have some optimism that the future will be better, that tomorrow may be better than today. That, as much as anything else, is critical. All of us in public service, particularly those of us who serve in this institution—the Senate is a big deal. People pay attention to what we say here, to the good stuff and the bad stuff. They pay attention to what we do here and to what we fail to do here. I think it is important for all of us to recognize that our actions have consequences and the way we speak and comport ourselves in these debates. I think we need to recognize that some of the rhetoric and noise that has been made over the last 6 months to a year has hurt job creation because it has created negativity around the economics of this country.

We have an opportunity, with the passage of legislation such as this, to send a message on the things on which we agree; we can get things done. That is the impression I have gotten from people, which is a little bit of a surprise, but it is a sense of optimism that before this year is out, we will be able to pass legislation that is meaningful and bipartisan. Is that the same reaction the Senator from Delaware has gotten?

Mr. COONS. That is right. I have gotten immediate response from Twitter, e-mail, et cetera, in my office account. I got a tweet from Jason, who wrote:

Kudos . . . for introducing jobs-creating legislation. Good to see detailed plans rather than partisan bickering.

Another tweet said this:

If AGREE is a jobs act that can get passed, I, an American that cares about the unemployed, say ''thanks.''

Mary June from Delaware City wrote:

I think it is great to see a bipartisan approach to solving the jobs crisis in the United States. Thank you for getting past party lines and coming together to provide commonsense solutions.

Maria from Middletown wrote:

I think it is time for both parties to come together as you and Senator Rubio have to bring our country back to where we have people working again and families striving to achieve the American dream. The same dream that I had when I was growing up. The dream I thought my sons and granddaughter were going to live. The business as usual in Washington has to stop, and through this bill you will both prove to your fellow Senators that if you all work together, anything is possible.

To be clear, as Senator RUBIO said, there are real differences, real things that divide the parties. There is time ahead before the election to resolve those fundamental differences in values, approach, and priorities. But, while we can, we should come together with commonsense proposals that demonstrate to the American people that we can take ideas, Republican and Democrat, House and Senate, put them in a package and pass them on to the President, because 12 months is too long to wait.

As we all wait for the outcome of the supercommittee this week, I know confidence is one of the major issues we have concerns about—confidence in the marketplace, the confidence to take risks and invest, and the confidence to grow. In my view, this bill, this initiative shows that both parties can and do have confidence in American inventors, American investors, our veterans, and America's entrepreneurs.

I am grateful for a chance to work on this. I ask the Senator, what is the next step and where do we go from here?

Mr. RUBIO. The next step is to get as many people in this Chamber and in the House to sign on to this legislation and to get this done. We are open to suggestions about how to improve it. Maybe there are some things that should be in there. Maybe there are questions involving particular measures. We are open to suggestions. We need to get the ball rolling. Our time is about to run out.

I want to recognize that one of the ways to lose credibility is to exaggerate. The differences between our parties about the role of government, about the Tax Code, and about the debt situation are real. We will debate those. To my friends on the right and left—both sides—we have real differences, and this is the place to deal with it. We are blessed to live in a republic where we can debate our points of view as to the role of government. We do agree on certain issues, and we should work on that.

Today is an open invitation to our colleagues to join us, look at this bill, analyze it, and see if there is something you would like to add or maybe that we left out that should be in there. The more the merrier. To those who think there are things that maybe should be changed or improved in this bill, we are open to that as well. We want to get this done and deliver something to the American people as soon as possible that shows that here in Washington, DC, we can agree. I believe that would be a positive first step in the right direction.

Our time has expired.

With that, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. FEINSTEIN. Madam President, what is the parliamentary status now?

The ACTING PRESIDENT pro tempore. The Senate is still in morning business. The Republicans control 6 minutes 25 seconds.

Mr. ALEXANDER. Madam President, we will yield back the Republican time so that we can move ahead and report the bill.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2012

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 2354, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 2354) making appropriations for energy and water development, and related agencies for the fiscal year ending September 30, 2012, and for other purposes.

Pending:

Reid amendment No. 957, in the nature of a substitute.

Reid amendment No. 958 (to amendment No. 957), to change the enactment date.

Reid amendment No. 959 (to amendment No. 958), of a perfecting nature.

Reid amendment No. 960 (to language proposed to be stricken by amendment No. 957), to change the enactment date.

Reid amendment No. 961 (to amendment No. 960), of a perfecting nature.

Reid motion to recommit the bill to the Committee on Appropriations, with instructions, Reid amendment No. 962, to change the enactment date.

Reid amendment No. 963 (to (the instructions) amendment No. 962), of a perfecting nature.

Reid amendment No. 964 (to amendment No. 963), of a perfecting nature.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. FEINSTEIN. Madam President, it is my understanding that Senator BINGAMAN would like to speak on an amendment he has filed and Senator MURKOWSKI may well come down to speak on that, which is fine.

I will yield to Senator BINGAMAN to do that now.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico is recognized.

Mr. BINGAMAN. Madam President, I appreciate the opportunity to speak briefly about an amendment Senator MURKOWSKI and I have filed.

There is a provision in the Energy and Water appropriations bill, which we are considering in the Senate, that we would like to see stricken or deleted from the bill. It is a provision in the legislation that mandates the sale of $500 million worth of oil from the Strategic Petroleum Reserve, or SPR, as it is called. The bill also ends the Royalty-in-Kind Program. That part I am not disputing at this point.

The language in the bill that we are concerned about is on page 41. It says in that part of the bill:

Notwithstanding various other provisions, the Secretary of Energy shall sell $500 million in petroleum product from the reserve not later than March 1 of 2012, and shall deposit any proceeds from such sales in the general fund of the Treasury.

In the words of the Department of Energy:

The Strategic Petroleum Reserve exists, first and foremost, as an emergency response tool the President can use should the United States be confronted with an economically threatening disruption in oil supplies.

The SPR is our Nation's insurance policy against oil supply disruptions, and keeping it well stocked and operational is important to our energy security. I believe that is a view shared by Democrats and Republicans.

The SPR became filled to its maximum capacity of roughly 727 million barrels for the first time in its history in the year 2009.

The President, in the budget he submitted—the 2012 budget—proposed a sale of oil from the SPR that would generate $500 million in revenue for the Federal Treasury. The administration explained that because the SPR was at maximum capacity, it needed to sell off some oil for operational purposes. They needed extra space in the SPR in order to move oil around within the system and to refurbish some of the underground salt caverns in which the oil is stored.

However, this past June, there was an emergency drawdown, and there was a sale of 30 million barrels of SPR oil. I understand that the emergency sale generated more than $3 billion. This indicates to me that more than six times the amount of oil that the President thought was necessary to be sold for operational reasons has now been sold.

Clearly, the President's proposal from February to create a little free space in the SPR is no longer necessary. The concern we have is that the SPR sale provision in this legislation remains part of an appropriations bill,