session, where motions to reconsider were not made, that the motions to reconsider be considered made and laid upon the table.

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

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

DISAPPROVAL OF EPA EMISSION STANDARDS RULE—MOTION TO PROCEED

Mr. MCCONNELL. Madam President, I now move to proceed to S.J. Res. 37.

The ACTING PRESIDENT pro tempore. The clerk will report the motion.

The assistant legislative clerk read as follows:

Motion to proceed to calendar No. 430, S.J. Res. 37, a joint resolution to disapprove a rule promulgated by the Administrator of the Environmental Protection Agency relating to emission standards for certain steam generating units.

U.S. SENATE,
Washington, DC, June 19, 2012.

DISCHARGE OF FURTHER CONSIDERATION

We, the undersigned Senators, in accordance with chapter 8 of title 5, United States Code, hereby direct the Senate Committee on Environment and Public Works be discharged of further consideration of S.J. Res. 37, a resolution on providing for congressional disapproval of a rule submitted by the Environmental Protection Agency related to emission standards for certain steam generating units.

John Boozman, David Vitter, John Cornyn, Jon Kyl, Pat Roberts, James M. Inhofe, Johnny Isakson, Tom Coburn, John McCain, Mike Lee, Patrick J. Toomey, Marco Rubio, John Thune, John Barrasso, Thad Cochran, Jim DeMint, Roy Blunt, Richard Burr, Rand Paul, Jerry Moran, Rob Portman, Michael B. Enzi, Lisa Murkowski, Daniel Coats, Saxby Chambliss, Roger F. Wicker, Orrin Hatch, Kay Bailey Hutchison, Jeff Sessions, Mitch McConnell, Ron Johnson, Mike Johanns, James E. Risch, John Hoeven, Richard Shelby.

The ACTING PRESIDENT pro tempore. The Republican leader.

Mr. MCCONNELL. Madam President, it has become pretty clear over the past few months that President Obama now views his job as the deflector-in-chief. No longer content to lay all the Nation's problems at the feet of his predecessor, he has taken to creating controversies out of whole cloth. Whether it is a manufactured fight over student loan rates or the so-called war on women, the goal is as clear as you can imagine: get reporters to focus on these things, and maybe the rest of the country will as well; get them to focus on anything other than the President's own failure to turn the economy around, and maybe he can squeak by without folks noticing it. That is the plan at least and, frankly, it could not reflect a more misguided view of the American people. They know who has been in charge the past 3½ years, and the fact that the President has had a tough job to do does not mean he gets a pass on how he has handled it or on the solutions he has proposed.

Most Americans do not like either one of the President's two signature pieces of legislation—ObamaCare or the stimulus. They are not particularly thrilled about seeing America's credit rating downgraded for the first time ever. They are scared to death about a $16 trillion debt, trillion-dollar deficits, and chronic joblessness. And many, including myself, are deeply concerned about this administration's thuggish attempts to shut its critics right out of the political process. These are the kinds of things Americans have been telling us for 3 years that they are worried about, and we are not about to be drawn into some rabbit hole so the President does not have to talk about them. We are going to stay focused on all of these things—not because of some political advantage but because the American people demand it. So the President can come up with the excuse de jour, but we are going to talk about jobs, we are going to talk about the deficits and debt, and we will talk about the Constitution.

When it comes to jobs, let's be clear. This administration has been engaged in a war on the private sector, and in many cases it has used Federal agencies and a heavyhanded regulatory process to wage it largely out of view. We got a vivid confirmation of this when an EPA official was caught comparing the EPA's enforcement approach to the Roman use of crucifixion. Brutalize a few offenders, he said, and the rest will be scared into submission.

Call me naive, but I think most Americans think the government should be working for them, not against them. I think most Americans think the Federal Government should be working to create the conditions for Americans to prosper, not looking for any opportunities to undercut free enterprise. Yet that is what we see—an administration that always seems to assume the worst of the private sector and whose policies are aimed at undermining it. And nowhere is it more clear than at EPA.

That is why I support Senator INHOFE's ongoing efforts, including a vote today, to push back on the EPA, which has become one of the lead culprits in this administration's war on American jobs. Senator INHOFE is focusing on just one regulation out of the many that are crushing businesses across the country—the so-called Utility MACT, which would cost American companies billions in upgrades, but for their competitors overseas, of course, it would cost them nothing. This regulation would expand the already massive powers given to the EPA by increasing redtape and costing the taxpayer over $10 billion each year. In my State of Kentucky, it threatens the jobs of over 1,400 people working in aluminum smelter plants, as well as approximately 18,000 coal miners, not to mention those engaged in industries that support these jobs.

Kentucky Power, operator of the only coal-burning powerplant in my State, recently conceded defeat in this fight after the EPA demanded upgrades to its plants at a cost of nearly $1 billion, raising the typical residential customer's monthly electric bill by a whopping 30 percent. At that price, it is no wonder the plant found the new regulations completely unworkable. The EPA may have won this battle, but the real losers are more than 170,000 homes and businesses spread out amongst 20 eastern Kentucky counties that depend on the Kentucky Power plant for their energy.

The proponents of the Utility MACT say it is needed to improve air quality. What they cannot tell you is what these benefits would be or the effect of leaving the plants in their current condition. Look, we all support clean air, but if we waved through every regulation that promised to improve air quality without regard for its actual impact, we would not be able to produce anything in this country.

What we do know is that a substantial amount of the electricity we produce in this country comes from coal, and this new regulation would devastate the jobs that depend on this cheap, abundant resource. This is just one battle in the administration's war on jobs, but it has a devastating consequence for real people and real families in my State and in many others. The administration's nonchalant attitude about these people is appalling, but this is precisely the danger of having unelected bureaucrats in Washington playing with the livelihoods of Americans as if they are nothing more than just pieces on a chessboard.

The media may continue to chase whatever issue the President and his campaign decide to fabricate from day to day, but these are the facts behind this President's devastating economic policies, and that is why it is a story the President would rather the media ignored. Well, Republicans are not going to ignore it. We are going to keep talking about the President's policies. So I commend Senator INHOFE for keeping us focused on this particular policy that is devastating to so many Americans.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 11:30 a.m. will be equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first 15 minutes and the majority controlling the second 15 minutes.

The Senator from Oklahoma.

Mr. INHOFE. Madam President, in our first round, we are going to yield to

the Senator from Alaska Ms. MURKOWSKI for 10 minutes and then to Senator MANCHIN for 5 minutes. In the second round, we are going to be having Senators BARRASSO, BOOZMAN, RISCH, BLUNT, KYL, and TOOMEY.

The ACTING PRESIDENT pro tempore. The Senator from Alaska.

Ms. MURKOWSKI. Madam President, I think most Americans would agree it is important that we strike a proper balance between abundant and affordable energy and responsible standards of environmental performance. But too often in recent years, the energy-environmental balance has been lost. Restoring a sense of equilibrium is important for both the health of the American people and our Nation's economy. Although we see the need for this balance every day in Alaska, restoring it has become what I think is a national challenge. That is why I support Senator INHOFE's resolution to disapprove the mercury and air toxics standards or the MATS rule.

Congress has tasked the EPA with implementing laws to protect public health. That statutory obligation absolutely requires respect. But although the executive branch gets to make reasonable policy calls in performing that duty, its regulatory authority is strictly bounded by law.

Today's EPA too often seems to impose requirements that go beyond what is authorized or needed. This overreaching stifles the energy and natural resource production the Nation needs to restore prosperity and technological leadership, and the sad thing is the resulting rules do not credibly improve public health.

EPA is now proceeding with an unprecedented litany of new rules whose benefits are murky at best but whose costs are very real and detrimental to human welfare. The Nation can and must strike a better balance. Even in today's divided times, a broad consensus remains. Achieving affordable and abundant energy coupled with strong environmental standards is the right combination.

Most would also agree that energy and environment-related public policy decisions should be based on the facts and informed by rigorous scientific discourse. Applying this consensus shows that the devil is in the details. So let's look closely at the MATS rule. If this rule is allowed to stand, it will put electric reliability at unacceptable risk and raise electricity costs with very little, if any, appreciable benefit to human health.

The North American Electric Reliability Corporation or NERC, which is the independent federally certified ''Electric Reliability Organization,'' recently reported that ''environmental regulations are shown to be the number one risk to reliability over the next . . . 5 years.'' That is the statement from NERC.

The members of the relatively small and apolitical groups of engineers who keep the lights on and administer electricity markets tell me they are worried not only about the reliability of electric service but about its affordability. I would like to speak to the affordability side in just a minute.

Reasonable regulation, clearly appropriate; and EPA has the discretion, indeed the obligation, to adopt balanced rules. But, unfortunately, EPA's approach has been aimed more at its statutory obligations. Through MATS and through other rules, EPA wants to influence how investments in energy production are made. So it has imposed a series of very stringent obligations that perhaps are not even achievable.

For example, the Institute of Clean Air Companies, which is an association representing emissions control technology vendors—these are the guys who sell all of this stuff—has asked EPA to reconsider MATS and has said:

> Our member companies cannot ensure that the new final source [mercury] standard can be achieved in practice.

These are those who would make a profit off of selling these. They are saying they do not think that it can be achieved.

Even though I believe the United Mine Workers of America, who say their comments ''and like-minded [ones] to EPA on the proposed MATS rule were ignored,'' it does not have to be this way. EPA received thousands of pages of very detailed, very thoughtful proposals, for improving MATS.

About 150 electric generators filed their comments. Edison Electric Institute, as just one example, filed more than 75 pages of very precise observations for improving MATS. They suggested many very specific changes. The States were active too. Twenty-seven States are seeking significant changes in the proposal. There were almost 20 petitions for reconsideration pending at EPA, and they are pending now. Thirty petitions have been filed for judicial review. Twenty-four States have asked the courts to force EPA to do better with MATS.

I always say we need to give credit where credit is due. On the treatment of condensable particulate matter—not many of us are focused on condensable particulate matter—EPA has made some good changes with regard to that, between the proposed and the final MATS rule. This dramatically reduced the need for construction of expensive pollution control devices known as ''bag houses.''

By itself, this one change to the proposed rule reduced the overall cost of compliance by billions of dollars, and it relieved somewhat the challenges of maintaining electric reliability while achieving compliance with the rule. Adopting a more reasonable approach in this one area did not sacrifice any appreciable benefit. So more must be done. Congress must tell the EPA to revisit other suggestions for similar improvements.

Why the need to keep forcing the improvements? The vast majority of the benefits to EPA claims from MATS are the result of its counting coincidental reductions of particulate matter below standards that EPA has determined are sufficient to protect public health. Emissions of mercury by American powerplants have declined over the past 20 years without the MATS rule. EPA itself estimates the annual benefits of mercury reduction attributable to the rule at only $500,000 to $6 million but annual costs at almost $10 billion.

Finally, EPA's actions are driving up the cost of electricity too. PJM, which is the independent regional transmission organization that is responsible for coordinating the movement of wholesale electricity in all or part of 13 States, as well as in the Nation's Capital, reported 2-year capacity price increases of 390 percent, most of which it attributed to the cost of environmental compliance with a nearly 1,200-percent spike in northern Ohio.

PJM also plans for about $2 billion in additional transmission investment to maintain reliability in the face of EPA's rules. Clearly, these are significant costs that will be passed on to our consumers. I think MATS is a major rule that needs a major reset by Congress. EPA could then devise a new rule that is truly aimed at protecting public health and carrying out the law rather than trying to push a particular fuel, coal, out of the market.

I thank the Senator from Oklahoma for his leadership on this issue.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. INHOFE. Madam President, I thank the Senator from Alaska for her very kind remarks. I yield 5 minutes to the Senator from Texas, Mr. CORNYN.

Mr. CORNYN. Madam President, I come to the floor to join my colleagues from Alaska, from Oklahoma, and others to express my disapproval. I intend to vote in favor of the resolution of disapproval of the Environmental Protection Agency's mercury and air toxins standards rule, also known as Utility MACT.

Now, of course, sometimes the debate, when we talk about pollution, when we talk about the byproducts of coal-fired powerplants, is cast in apocalyptic-like terms that have no real bearing on reality or in terms of the science and in terms of the economic impact of the rule or the health benefits supposedly to be derived. I want to talk about that just briefly.

While this rule claims to be about public safety, it is a job-killing, ideologically driven attempt to cripple the coal industry in the United States, an industry that employs an awful lot of people, feeds a lot of families. This administration, unfortunately, is using the EPA to destroy a major source of reliable, affordable, base-lode electricity that we sorely need. The President talks about being for an all-of-the-above energy policy. Yet his administration, through this regulation we seek to disapprove today, is going to effectively take one of those most

abundant, low-cost sources of energy off the table for the American people.

Of course, Congress would never pass such a law in our own right, so the administration is using a ruling from an unelected group of bureaucrats who are not subject to political accountability. This is another example of executive overreach, and it is bad news for consumers and job creators alike.

Power companies have confirmed that Utility MACT standards for new power sources are so stringent that no new coal-fired powerplant will be built in the United States. No new coal-fired powerplant will be built in the United States, no matter how modern and how clean the technology will allow that powerplant to operate. So the consequences will be that Utility MACT will damage grid reliability. It will destroy jobs, and it will raise electricity prices—not a small matter when many of our seniors are on fixed incomes and are going to suffer as a result of this rule that does not do what its advocates tout it for.

The costs of Utility MACT will exceed the benefits by roughly 1,600 to 1. Some claim that does not matter, that benefits are benefits no matter what the cost, no matter how much, how many jobs it kills, no matter how much it raises the price of electricity on seniors in my State who are living in very hot summers. If we have another year like we had last year—I hope we do not. We had 100-degree temperatures more than 70 days—and I think it was even more than that—it will threaten the capacity of the power grid to even produce the electricity so people can run their air conditioners. The detriment to our seniors in terms of public health and in terms of cost, being on a fixed income, is quite evident.

According to the EPA, more than 99 percent of the health benefits from Utility MACT will not even come from mercury reductions but, rather, from reductions in particulate matter that are already regulated to safe levels under the Clean Air Act. So either the EPA will be double-counting existing benefits or else it will be setting new levels for other byproducts that are not justified by public health concerns.

In short, the benefits of this regulation are dubious, but the costs are real. They are already harming the U.S. economy with existing powerplants being shut down and others being scrapped. The United States currently has more than 1,400 coal-fired electricity-generating units operating at more than 600 plants.

Together, these powerplants generate almost half of the electricity produced in our country. Again, we are not talking about taking wind energy off the table. We are not talking about other ways to generate electricity. But this is one of the cheapest, most abundant sources of energy in our country, and we are simply killing it.

So sponsors of Utility MACT repeatedly tout its health benefits. But those are overstated. However, they understate the impact this will have on jobs. It will kill jobs. People will lose their jobs in a tough economy. I urge my colleagues to pull back the curtain on the EPA and see Utility MACT for what it is, an economic disaster shrouded in false claims about public health.

Americans deserve smart regulation based on logic and sound science. Utility MACT is the exact opposite and deserves to be rejected.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia.

Mr. ROCKEFELLER. Madam President, in the shadow of one seemingly narrow Senate vote, that being the Inhofe resolution of disapproval of the EPA's rule on mercury and air toxins, I rise to talk about West Virginia, about our people, our way of life, our health, our State's economic opportunity, and about our future.

Coal has played an enormous part in our past and can play an enormous part in our future, but it will only happen if we face reality.

This is a critical and a very contentious time in the Mountain State. The dialogue on coal, its impacts, and the Federal Government's role has reached a stunningly fevered pitch. Carefully orchestrated messages that strike fear into the hearts of West Virginians and feed uncertainty about coal's future are the subject of millions of dollars of paid television ads, billboards, breakroom bulletin boards, public meetings, letters, and lobbying campaigns.

A daily onslaught declares that coal is under siege from harmful outside sources, and that the future of the State is bleak unless we somehow turn back the clock, ignore the present, and block the future.

West Virginians understandably worry that a way of life and the dignity of a job is at stake. Change and uncertainty in the coal industry is unsettling and nothing new. But it is unsettling. My fear is that concerns are also being fueled by the narrow view of others with divergent views and motivations, one that denies the inevitability of change in the energy industry and unfairly—and I feel this strongly—leaves coal miners in the dust.

The reality is those who run the coal industry today would rather attack false enemies and deny real problems than solve problems that would help them and the people they employ and the States in which they work.

Instead of facing the challenges of making tough decisions, similar to men of a different era, they are abrogating their responsibilities to lead. Back in the 1970s, I remember a fellow from Consolidation Coal named Bobby Brown. He got together with the United Mine Workers on his own. We were having a lot of temporary restraining orders and strikes at that time. They sat down, and because Bobby Brown was not a timid man—he was the head of a company, but he was a forceful leader—they worked out something which gave us peace in the coalfields of West Virginia—which is something—for a long time. It was a courageous act by a courageous nontimid man.

Scare tactics are a cynical waste of time, money, and worst of all, coal miners' hopes. Coal miners buy into all the television they hear, are controlled by it, have large salaries. So in a sense they are stuck where they are, happily funded but without a place to look forward to. But sadly these days, coal operators have closed themselves off from any other opposing voices and almost none has the courage to speak out for change—any kind of change—even though it has been staring them in the face for decades. They have known about it. They have ignored it.

This reminds me of the auto industry, which also resisted change for decades. Coal operators should learn from both the mistakes and the recent success of the automobile industry. I passionately believe coal miners deserve better than they are getting from coal operators, and West Virginians certainly deserve better also.

Let's start with the truth. Coal, today, faces real challenges, even threats, and we all know what they are

First, our coal reserves are finite and many coal-fired powerplants are aging. The cheap, easy coal seams are diminishing rapidly and production is falling, especially in the Central Appalachian Basin in southern West Virginia. Production is shifting to lower cost areas such as Illinois and the Powder River Basin in the Wyoming area. The average age of our Nation's 1,100-plus coal-fired plants is 42.5 years, with hundreds of plants even older. These plants run less often, are less economic, and are obviously less efficient.

Second, natural gas use is on the rise. Power companies are switching to natural gas because of lower prices, cheaper construction costs, lower emissions, and vast, steady supplies. Even traditional coal companies such as CONSOL are increasingly investing in natural gas as opposed to coal.

Third, the shift to a lower carbon economy is not going away. It is a disservice—a terrible disservice—to coal miners and their families to pretend it is, to tell them everything can be as it was. It can't be. That is over. Coal companies deny that we need to do anything to address climate change, despite the established scientific consensus and mounting national desire—including in West Virginia—for a cleaner, healthier environment.

Despite the barrage of ads, the EPA alone is not going to make or break coal. Coal operators would love to think that is the case because it is a great target, and it is much easier to criticize than to do something. But there are many forces exerting pressure, and that agency is just one of them.

Two years ago, I offered a time-out on EPA carbon rules, a 2-year suspension that could have broken the logjam

in Congress and given us the opportunity to address carbon issues aggressively and legislatively.

But instead of supporting this approach, coal operators went for broke—they saw a fatter opportunity—when they demanded a complete repeal of all EPA authority to address carbon emissions forever. They demanded all or nothing. They turned aside a compromise and, in the end, they got nothing.

Last year, they ran exactly the same play, demanding all or nothing on the cross-State air pollution rule, refusing to entertain any middle ground and denying even a hint of legitimacy for the views of the other side and they lost again—badly.

Here we are with another all-or-nothing resolution, which is absolutely destined to fail, and we are arguing as months, weeks, and years go by. This foolish action wastes time and money that could have been invested in the future of coal. Instead, with each bad vote the coal operators get, they give away more of their leverage and lock in their failure.

This time, the issue is whether to block an EPA rule, as has been said—the mercury and air toxics standards—that require coal-fired powerplants to reduce mercury and other toxic air pollution.

I oppose this resolution because I care so much about West Virginians.

Without good health—demeaned in this debate so far—it is hard to hold down a job or live the American dream. Chronic illness is debilitating. I have made a career in the Senate of health care. It impacts families' income, their prosperity, and ultimately families' happiness. The annual health benefits of the rule are enormous. EPA has relied on thousands of studies—thousands—that establish the serious and long-term impact of these pollutants on premature death, heart attacks, hospitalizations, pregnant women, babies, and children. Do West Virginians care about these kinds of things? I think they do.

Moreover, it significantly reduces the largest remaining human-caused emission of mercury, which is a potent neurotoxin with fetal impact. Maybe some can shrug off the advice of the American Academy of Pediatrics and many other professional medical and scientific groups, but I do not.

The rule has been in the works through a public process for many years. Some businesses—including some utilities in West Virginia—have already invested in technology and are ready to comply.

Others have not prepared because they have chosen to focus on profit rather than upgrading or investing in these smaller, older, and less-efficient coal-fired plants that were paid for decades ago and that they will tell us would be retired anyway.

That is right. Every single plant slated for closure in West Virginia was already on the chopping block from their own corporate board's decision.

It is important to be truthful with miners. It is sort of a forgotten art, and that is a travesty. We have to be truthful with miners that coal plants will close because of decisions made by corporate boards long ago, not just because of EPA regulations but because the plants are no longer economical as utilities build low-emission natural gas plants.

Natural gas has its challenges too, with serious questions about water contamination and shortages and other environmental concerns. But while coal executives pine for the past, the natural gas folks look to the future, investing in technology to reduce their environmental footprint, and they are working with others on ways to support the safe development of gas. We are all going to be watching that very closely, are we not?

It is not too late for the coal industry to step up and lead—leadership—by embracing the realities of today and creating a sustainable future. It has not been too late for a long time. Discard the scare tactics. Stop denying science. Listen to what markets are saying about greenhouse gases and other environmental concerns. Listen to what West Virginians are saying about their water, air and health and the cost of caring for seniors and children who are most susceptible to pollution.

Stop and listen to West Virginians—miners and families included—who see the bitterness of the fight we are having now and which has been going on forever. The bitterness of the fight has taken on more importance than any potential solutions. The point is put up block after block, which loses time after time, but at least they have a fight and something to scream about, all with no progress.

Those same miners care deeply about their children's health. They care about them. They are family people. I know that. I went there in 1964 and lived among miners for 2 years, and I have now lived among them ever since, closely and intimately. They care about what people all over the country care about. They care about the streams and mountains of West Virginia. They know down deep we can't keep to the same path. They are not allowed to say so, but they know that.

Miners, their families, and their neighbors are why I went to West Virginia. They are why I made our State my home. I have been proud to stand shoulder to shoulder with coal miners, and we have done a lot of good together over the years.

For more than 36 years, I have worked to protect the health and safety of coal miners, everything from the historic Coal Act back in 1992 to my safety laws, pensions and black lung benefits—always with miners' best interests in mind.

Despite what critics contend, I am standing with coal miners by voting against this resolution.

I don't support this resolution of disapproval because it does nothing to look to the future of coal. It moves us backward, not forward. Unless this industry aggressively leans into the future, coal miners will be the big losers.

Beyond the frenzy over this one EPA rule, we need to focus squarely on the real task of finding a long-term future for something called clean coal. That is possible. We have demonstrated that. That is being done in various places in the country right now. This will address legitimate environmental and health concerns and, of course, global warming and all that counts.

Let me be clear. Yes, I am frustrated with much of the top levels of the coal industry, at least in my State of West Virginia, but most of the corporate headquarters are elsewhere. However, I am not giving up hope for a strong clean coal future. I am not giving up. To get there, we will need a bold partner, innovation, and major public and private investments.

In the meantime, we should not forget that coal-fired powerplants would provide good jobs for thousands of West Virginians. It remains the underpinning for many of our small communities, and I will always be focused on their future.

Instead of finger-pointing, we should commit ourselves to a smart action plan that will help with job transition opportunities, sparking new manufacturing and exploring the next generation of technology—not just be dependent upon coal but a lot of things.

None of this is impossible. Solving big challenges is what we do in West Virginia. I would much rather embrace the future boldly.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. BOXER. Madam President, before Senator ROCKEFELLER leaves, I wish to take 30 seconds to say something. I believe that when the next historians write the book about leadership, courage, and integrity in the Senate, this speech will be featured in that book. I am so proud of the Senator from West Virginia.

How much time remains between the two sides?

The ACTING PRESIDENT pro tempore. The majority controls 36 minutes, the Republicans control 39 minutes.

Mr. INHOFE. It is our understanding we have approximately 42 minutes apiece and that we will go back and forth.

Mrs. BOXER. The Chair just said there is 39 minutes for the Republicans and 36 for us.

Mr. INHOFE. I like that.

Madam President, I yield to the Senator from South Dakota for 7 minutes.

The ACTING PRESIDENT pro tempore. The Senator from South Dakota.

Mr. THUNE. I thank the Senator from Oklahoma for his leadership on this issue, for yielding the time, and I appreciate everything he has done to bring S.J. Res. 37 to the floor of the Senate.

As the father of two daughters, I want a cleaner, safer, healthier environment for their generation and for

future generations. Thanks to the commonsense policies that balance economic growth with a cleaner environment, our country has made significant progress toward improving the quality of our air and water. We have made progress under Republican Presidents and we have made progress under Democratic Presidents. We have also made progress during Democratic control and Republican control of the Senate.

But what the Obama administration is doing with this regulation, and with many of the other policies that pertain to energy, is pursuing an ideologically driven agenda in which the costs far outweigh the benefits. He promised his energy plan would necessarily make electricity costs skyrocket, and his policies are clearly delivering on that promise.

A prime example of that flawed agenda is Utility MACT, which is the most expensive regulation in EPA's history, with an estimated cost of $10 billion. These are costs that will be passed on to families and small businesses across the country at a time when we are experiencing the worst economic recovery in over 60 years.

We all know the statistics. Unemployment has been at 8 percent now for 40 consecutive months. Real unemployment is above 14 percent. There are 23 million Americans who are not working today, and 5.4 million Americans have remained out of work for over a year. Despite these facts, President Obama continues to push regulations such as Utility MACT that are going to make energy more expensive and, at the same time, destroy good-paying jobs.

According to the National Economic Research Associates, Utility MACT will cost between 180,000 and 215,000 jobs by the year 2015. When including President Obama's other regulations on the electric power sector, the United States stands to lose approximately 1.65 million jobs by the year 2020. We simply cannot afford these politically driven regulations at a time when 23 million Americans remain unemployed or underemployed.

Low-income and middle-class families are the ones who will be hit the hardest by the administration's actions. Families who earn less than $50,000 already spend 21 percent of their income on energy costs compared to 9 percent for those making more than $50,000. Now, thanks to the EPA's regulatory actions, those costs are going to go up an average of 6½ percent and as much as 19 percent in some areas. Middle-class incomes have already fallen by over $4,300 these past 3 years, and now President Obama wants to further burden them with higher energy costs.

These higher energy costs are not some far-off projection. In many cases, these costs are already being realized. As an example, PJM, which is a regional transmission organization which coordinates the movement of wholesale electricity in 13 States and the District of Columbia, in its May 2012 capacity auction reported 2-year capacity price increases of 390 percent. PJM is reporting a nearly tenfold increase in wholesale energy costs in northern Ohio. According to one of their spokespersons,

> Capacity prices were higher than last year's because of retirements of existing coal-fired generation resulting largely from environmental regulations which go into effect in 2015.

The result could cause electricity bills across the PJM region to increase by up to $130 and potentially much higher in places such as northern Ohio.

In addition to electricity rates, EPA's agenda will drive up the cost of food, transportation, fuels, and manufactured goods, as those costs get passed on across all the sectors of the economy. The end result is more pain for the middle class, slower economic growth, and fewer jobs.

The President likes to talk a lot about fairness, so I will ask my colleagues: Is it fair that unaccountable EPA bureaucrats are going to drive up utility bills by up to 19 percent? Is it fair manufacturers are going to have to pay higher energy bills rather than hire new workers? Is it fair that small towns across the Midwest are already being devastated by coal plant closings on account of regulations from the Obama administration? Is it fair that thousands of workers are going to be laid off and lose not only their paychecks but their employer-provided health care coverage as well?

For most South Dakotans and millions of hard-working taxpayers across the country, I believe the answer is that the consequences of these regulations are inherently unfair. They penalize hard-working middle-class Americans.

In the case of Utility MACT, consumers are going to pay a heavy price for President Obama's political agenda to restrict access to the abundant and affordable sources of domestic energy we possess in this country.

Most Americans believe regulations should work for consumers and not against consumers. Unfortunately, EPA bureaucrats have drafted the Utility MACT regulation in an inefficient and unworkable manner. Utility MACT's new source standards are so strict they cannot possibly be met.

According to the Institute of Clean Air Companies, the proenvironmental trade association comprising nearly 100 suppliers of air pollution equipment, Utility MACT makes it ''nearly impossible to construct new coal-fired units because financing of such units requires guarantees from equipment suppliers that all emission limits can be met.''

There has to be a better approach. S.J. Res. 37, which would force a rewrite of Utility MACT, is the only solution to address the rule's problems. It is time to rewrite Utility MACT in a manner that better balances economic growth with environmental protection.

I hope today we will have a majority of our colleagues here in the Senate who will support S.J. Res. 37. Doing so will send a strong message to the Obama administration that the Senate will not stand by and watch his regulatory agenda further hurt small businesses and middle-class families, making it more expensive and more difficult for businesses in this country to create jobs. That is the end result of this regulation. It is the end result of many of the energy policies and regulations coming out of this administration. That has to stop. We have to get Americans back to work. We have to get our economy growing again.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. BOXER. Madam President, I yield 5 minutes to the Senator from Tennessee.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. ALEXANDER. Madam President, I thank the Senator from California, and the Senator from Maryland especially for his courtesy.

I would agree the EPA has become a happy hunting ground for goofy regulations. But as the late William F. Buckley once said, even a stopped clock is right twice a day. And on this rule—this clean air rule and the earlier interstate rule—I believe EPA is right.

The effect of upholding this rule will be to finally require that most coal plants everywhere in America will have to install two kinds of pollution control equipment: scrubbers and SCRs. This will basically finish the job of capturing sulfur and nitrogen oxides, fine particles, and the 187 toxic pollutants that were specifically identified by Congress in the 1990 Clean Air Act amendments.

The Tennessee Valley Authority has already committed to install this equipment by 2018. But TVA alone can't clean up Tennessee's air, because dirty air blows in from other States. So let me say what upholding this rule will do for the people of Tennessee.

First, it will hasten the day when Memphis, Chattanooga, and Knoxville are not three of the top five worst asthma cities—which they are today—and Nashville is not competing to be in the top 10.

Madam President, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks an article which appeared in the Tennessean this week by Dr. William Lawson of Vanderbilt University, who treats patients with respiratory diseases in Nashville.

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

(See exhibit 1.)

Mr. ALEXANDER. In the article Dr. Lawson says:

> Pollution from these power plants means my patients suffer more. Pollution increases their chances of being hospitalized. Some of these toxic emissions even cause cancer and can interfere with our children's neurological development.

Secondly, upholding this rule means that visitors will soon not even think of calling the Great Smoky Mountains the Great Smoggy Mountains because it is one of the most polluted national parks in America. We want those 9 million visitors to keep coming every year with their dollars and their jobs.

Instead of seeing 24 miles on a bad air day from Clingman's Dome, our highest peak, this rule should mean we will gradually move toward seeing 100 miles from Clingman's Dome as the air cleans up and we look through the natural blue haze.

Third, this rule should mean fewer health advisory warnings for our streams that say ''don't eat the fish because of mercury contamination.'' Half of the manmade mercury in the United States comes from coal plants, and as much as 70 percent of the mercury pollution in our local environment, such as streams and rivers, can come from nearby coal plants.

Fourth, we have seen that had Nissan been unable to get an air quality permit in Nashville in 1980, it would have gone to Georgia. And if Senator CORKER had not, as mayor of Chattanooga, improved the air quality in that city in the mid 2000s, the Volkswagen site there would be a vacant lot today.

We know every Tennessee metropolitan area is struggling to stay within legal clean air standards and we don't want the Memphis megasite to stay a vacant lot because dirty air blowing in from Mississippi and Arkansas makes the Memphis air too dirty for new industry to locate there.

We know these rules will add a few dollars to our electric bills, but in our case, most of that is going to happen anyway because the Tennessee Valley Authority has already agreed to put this pollution control equipment on its coal-fired powerplants. We know we can reduce the effect of these expenses on monthly electric bills because States may give utilities a fourth year to comply with the rule, and the President may, under the law, give them a fifth and sixth year. And Senator PRYOR and I intend to ask the President to give that fifth and sixth year to reduce costs on electric bills.

We know long term this rule will secure a place in America's clean energy future for clean coal. For example, the largest public utility, TVA, the largest private utility, Southern Company, both plan to put pollution control equipment on their coal plants and to make at least one-third of their electricity from coal over the long term.

In 1990—22 years ago—Congress told the EPA to make this rule when it passed the Clean Air Act amendments. In 2008, the Court told the EPA to make this rule.

Over the years, I have learned that cleaner air not only means better health, but also means better jobs for Tennesseans, and I am proud to stand up on behalf of the people of Tennessee to uphold this clean air rule.

EXHIBIT 1

[From the Tennessean, June 18, 2012]

AIR RULE WILL LITERALLY SAVE US

(By William Lawson, M.D.)

Power plant pollution makes people sick and can cut lives short. That is why cleaning up coal-fired power plants is a long overdue, lifesaving necessity that thankfully Sen. Lamar Alexander has embraced to secure both a healthy and sound economic future for our state.

I treat patients with asthma, chronic obstructive pulmonary disease (COPD), idiopathic pulmonary fibrosis and other lung diseases in those whose lungs are especially vulnerable to the power-plant emissions. But they are not the only ones at risk. My children and yours also are highly susceptible to the long-term repercussions of having to breathe dirty air growing up, which science tells us can prevent lungs from maturing properly. We desperately need Sen. Alexander and Sen. Bob Corker to ensure they receive protection from these toxic pollutants now, not years from now.

Protecting them is the recently adopted Power Plant Mercury and Air Toxics Standards, as required under the Clean Air Act. Astonishingly, a campaign is under way to block these public-health protections. Until these standards take effect, coal-fired power plants have no national limits on the amount of mercury or acid gases they may pump out of their smokestacks and into the air we breathe. These standards will prevent 370 premature deaths every year just in Tennessee and will provide $3 billion in annual health benefits by 2016.

TVA is already well on its way to meeting these air standards, but some in the Senate are working to make it easier for corporate polluters to block the rule from ever taking effect.

Allowing the new emissions standard to move forward will prevent 130,000 asthma attacks and 11,000 premature deaths nationally every year. This reduction in harmful plant emissions will also eliminate 540,000 missed work days on an annual basis, thereby reducing health-care costs and enhancing our overall quality of life.

Pollution from these power plants means my patients suffer more. Pollution increases their chances of being hospitalized. Some of these toxic emissions even cause cancer and can interfere with our children's neurological development. The public health benefits are just too significant to ignore. Healthy air and good health have a crystal-clear relationship.

Every day, I see in my patients how avoiding even just one asthma attack, acute respiratory infection or even the briefest hospital stay would dramatically enhance their quality of life. A healthier future is ours to have if we stand behind our leaders who are committed to make that tomorrow a reality.

Mr. ALEXANDER. I thank the Chair, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. INHOFE. Madam President, I yield to the Senator from Wyoming, Mr. BARRASSO, for 9 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

Mr. BARRASSO. Madam President, if the Chair would please give me a warning when 1 minute remains, I would appreciate that.

Today I rise in support of the Inhofe Utility MACT resolution. This resolution protects communities and jobs in the West, the Midwest, and Appalachia, and specifically jobs that depend on coal. These communities depend on coal to heat and cool their homes at an affordable price, to power the factories where they work, and to generate revenue that creates additional jobs.

We are talking about affordable domestic coal that also pays for the mortgages on the family home, the clothes and food for children, and the medical care for grandparents. If the Utility MACT rule is allowed to proceed, it would mandate that virtually no new coal-fired powerplants could be built anymore in the United States, and many still in existence would have to shut down. It is painful to think about all of the folks who will be out of work, their bills mounting, their families losing their homes, and their future looking bleak.

Amazingly, the EPA does not dispute these outcomes. It does not dispute what I am saying. They know exactly what they are doing. Their ideology is more important to them than the living and breathing people of our coal communities.

Just ask the EPA Region 1 Administrator Curtis Spaulding, who was visiting with a group of students in Connecticut. What he went on to talk about was the fact that basically gas plants are the performance standards, which means if you want to build a coal plant, you have a big problem. He said this was a huge decision, when he was talking about these regulations that have come out from Lisa Jackson, the head of the EPA.

He went on to tell this group of students that in West Virginia, Pennsylvania, and all those places, you have coal communities that depend on coal. And to say we think those communities should go away? That is what he said. He said we have to do what the law and policy suggested. He said it was painful—it was painful every step of the way—but they did it anyway.

President Obama's heavy-handed EPA admits these communities in West Virginia, Pennsylvania, and many other States in the West, Midwest, and Appalachia ''will just go away.''

These are chilling words. The EPA is supposed to be about protecting people, protecting their communities, protecting their environment, and protecting their health. With the Utility MACT rule, the EPA is doing the opposite. They are making communities go away. They are hurting communities—communities of families, children, seniors, gone as a result of these regulations. How could one justify these actions?

Well, we are told there are enormous health benefits. They claim enormous health benefits to the public by the issuance of this rule. First of all, how do you protect something if the community is gone? So obviously these folks in West Virginia and Pennsylvania are not the beneficiaries of EPA protection.

Second, the medical benefits of the rule come from reductions in particulate matter in areas of the country

that are currently well within healthy thresholds set by the EPA. I will tell you, the EPA is cooking the books.

No, this rule does very little to protect the public health. In fact, it creates a health crisis in this country because of the additional unemployment—the unemployment this rule is going to cause in the West, the Midwest, and in Appalachia.

To highlight the point, on Monday of this week a number of us in the Senate who are physicians, who are doctors, sent a letter to President Obama.

I ask unanimous consent to have a copy of this letter printed in the RECORD.

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

UNITED STATES SENATE,
Washington, DC, June 18, 2012.

Hon. BARACK OBAMA,
President, United States of America,
The White House.

DEAR PRESIDENT OBAMA: We are writing to express our concern that the barrage of regulations coming out of the Environmental Protection Agency (EPA) designed to end coal in American electricity generation will have a devastating effect on the health of American families. Just before you made the decision to withdraw EPA's plan to revise its ozone standard—a plan which would have destroyed hundreds of thousands of jobs—your former White House Chief of Staff Bill Daley asked the question ''What are the health impacts of unemployment?'' Today, we are requesting that you consider your former aide's question carefully: instead of putting forth rules that create great economic pain which will have a terrible effect on public health, we hope that going forward, you will work with Republicans to craft polices that achieve both environmental protection and economic growth.

As you know, proponents of your EPA's aggressive agenda claim that regulations that kill jobs and cause electricity prices to skyrocket will somehow be good for the American people. We come to this issue as medical doctors and would like to offer our ''second opinion'': EPA's regulatory regime will devastate communities that rely on affordable energy, children whose parents will lose their jobs, and the poor and elderly on fixed incomes that do not have the funds to pay for higher energy costs. The result for public health will be disastrous in ways not seen since the Great Depression.

One of the centerpieces of your administration's efforts to stop American coal development is the Utility MACT rule—a rule that has such severe standards it will cause as much as 20 percent of the existing coal-fired power plant fleet to retire. Combined with numerous other actions by the Environmental Protection Agency (EPA), Interior Department, and Army Corps of Engineers targeting surface coal mining operations, these rules constitute an aggressive regulatory assault on American coal producers, which will hit areas of the heartland—the Midwest, Appalachia, and the Intermountain West—the hardest. The end result will be joblessness across regions of the country whose livelihoods depend on coal development. Joblessness will lead to severe health impacts for communities in these regions.

With regard to the health benefits that EPA claims for Utility MACT, EPA's own analysis shows us that over 99 percent of the benefits from the rule come from reducing fine particulate matter ($PM_{2.5}$), not air toxics. But EPA also states that ''[over 90 percent] of the $PM_{2.5}$-related benefits associated with [Utility MACT] occur below the level of the [NAAQS].''

Not only are PM emissions distinct from mercury and other toxics, but they are also subject to other regulatory regimes. For example, Section 108 of the Clean Air Act directs the EPA to set PM emission levels that are ''requisite to protect the public health''. Thus, EPA is either double-counting the PM benefits already being delivered by existing regulatory regimes, or setting standards beyond those required to protect public health.

EPA estimates that the cost of the rule will be around $11 billion annually, but that it will yield no more than $6 million in benefits from reducing mercury and other air toxics. So by the agency's own calculations, Utility MACT completely fails the cost/benefit test.

When looking at this analysis, the only conclusion is that Utility MACT, as well as the many other EPA rules that cost billions but yield few benefits are not about public health. They are about ending coal development and the good paying jobs it provides.

We are not the only members in the medical field that are concerned about the effects of a jobless economy on the health and well being of Americans. Dr. Harvey Brenner of Johns Hopkins University testified on June 15th, 2011 before the Senate Environment and Public Works Committee explaining that unemployment is a risk factor for elevated illness and mortality rates. In addition, the National Center for Health Statistics has found that children in poor families are four times as likely to be in bad health as wealthier families.

Economists have also studied this issue. A May 13th, 2012 Op-Ed in the New York Times by economists Dean Baker and Kevin Hasset entitled ''The Human Disaster of Unemployment'' found that children of unemployed parents make 9 percent less than children of employed parents. The same article cites research by economists Daniel Sullivan and Till von Wachter who found that unemployed men face a 25 percent increase in the risk of dying from cancer.

These are just a few examples of the numerous reports warning of a looming public health crisis due to unemployment. A more thorough evaluation of this problem can be found in a recently released report entitled, ''Red Tape Making Americans Sick—A New Report on the Health Impacts of High Unemployment'' which we are including here for your review.

The EPA should immediately stop pushing expensive regulations that put Americans out of work and into the doctor's office. We respectfully ask that your agencies adequately examine the negative health implications of unemployment into the cost/benefit analysis of the numerous regulations that are stifling job growth, before making health benefit claims to Congress and the public.

We ask that instead of exacerbating unemployment and harming public health that you work with us in our efforts to implement policies that achieve true health benefits without destroying jobs, and indeed American coal development, in the process.

Sincerely,

JOHN BARRASSO.
RAND PAUL.
TOM COBURN.
JOHN BOOZMAN.

Mr. BARRASSO. In this letter, we expressed our concerns about the impending health crisis the unemployment caused by the EPA's policies is having on families, children, pregnant mothers, and on the elderly. The letter reads in part:

We are writing to express our concern that the barrage of regulations coming out of the Environmental Protection Agency (EPA) designed to end coal in American electricity generation will have a devastating effect on the health of American families. Just before you made the decision to withdraw EPA's plan to revise its ozone standard—a plan which would have destroyed hundreds of thousands of jobs—your former White House Chief of Staff Bill Daley asked the question ''What are the health impacts of unemployment?'' Today, we are requesting that you consider your former aide's question carefully: instead of putting forth rules that create great economic pain which will have a terrible effect on public health, we hope that going forward, you will work with Republicans to craft policies that achieve both environmental protection and economic growth.

And that is the key—''and economic growth''—not economic destruction.

The letter goes on:

As you know, proponents of your EPA's aggressive agenda claim that regulations that kill jobs and cause electricity prices to skyrocket will somehow be good for the American people. We come to this issue as medical doctors and would like to offer our ''second opinion'': EPA's regulatory regime will devastate communities that rely on affordable energy, children whose parents will lose their jobs, and the poor and elderly on fixed incomes that do not have the funds to pay for higher energy costs. The result for public health will be disastrous in ways not seen since the Great Depression.

Later on in the letter we talk about the latest research on the health impacts of unemployment. A doctor from Johns Hopkins who testified last year before the Senate Environment and Public Health Committee explained that unemployment is a risk factor—a risk factor—for elevated illness and mortality rates. In addition, the National Center for Health Statistics has found that children in poor families are four times as likely to be in bad health as other families.

Economists have also studied this issue. On May 13, 2012, in the New York Times, is ''The Human Disaster Of Unemployment.'' That is what this EPA regulation is going to do today, cause additional human disaster for people out of work.

We included for the President a copy of a report I have written called ''Red Tape Making Americans Sick—A New Report on the Health Impacts of High Unemployment.'' Studies show EPA rules cost Americans their jobs and their health. This report contains the latest research from medical professionals from Johns Hopkins, from Yale, and others that show that unemployment causes serious health impacts.

Unemployment has been rampant in this country under this administration, and it has been due in many ways to the mountains of job-crushing redtape from the EPA and other agencies. The EPA's Utility MACT rule will only make things worse for hard-hit areas in the West, Midwest, and Appalachia.

According to the Bureau of Labor Statistics, since 2008 Montana has lost 3,200 manufacturing jobs, Missouri 41,000, Ohio 100,000, Michigan 67,000 jobs

lost, Pennsylvania 80,000, and West Virginia 7,000. Each one of these people who lost their job will be subjected to greater risks of cancer, heart attack, stroke, depression. There is a higher incidence, as we know, of spousal abuse, substance abuse in these families. As demonstrated by the latest research, their children will suffer, too, as medical costs pile up, as electricity bills to heat and cool their homes skyrocket, and the cost of everyday living continues to go up. The Utility MACT will only expose thousands more to these risks.

The EPA should immediately stop pushing expensive regulations that put Americans out of work and into their doctor's office. Instead of exacerbating unemployment and harming public health, this administration and this EPA need to work with Republicans—work together in our efforts to implement policies that achieve true health benefits without destroying jobs and, indeed, American affordable energy in the process.

We need to keep American energy and make American energy as clean as we can, as fast as we can, while still keeping good-paying jobs and keeping energy prices affordable. This is a recipe for a healthier, economically stronger country.

I urge a ''yes'' vote for the Inhofe Utility MACT amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, I yield myself 1 minute, and I ask unanimous consent to have printed in the RECORD the following—an editorial written by the very type of companies my friend Senator BARRASSO mentioned who have said they are just fine with the EPA's new air quality regulations. Do you know why? Half of the coal-fired utilities have already made these adjustments. They are clean. And if it is up to Senator BARRASSO, the other dirty plants will keep on spewing forth the most toxic and dangerous pollutants.

The other is a new poll taken in March of this year which shows that 78 percent of likely voters have asked us to get out of the way and let the EPA do its job in controlling industrial and power-sector mercury and toxic air pollution.

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

(From the Wall Street Journal, Dec. 8, 2010]

WE'RE OK WITH THE EPA'S NEW AIR-QUALITY REGULATIONS

Your editorial ''The EPA Permitorium'' (Nov. 22) mischaracterized the EPA's air-quality regulations. These are required under the Clean Air Act, which a bipartisan Congress and a Republican president amended in 1990, and many are in response to court orders requiring the EPA to fix regulations that courts ruled invalid.

The electric sector has known that these rules were coming. Many companies, including ours, have already invested in modern air-pollution control technologies and cleaner and more efficient power plants. For over a decade, companies have recognized that the industry would need to install controls to comply with the act's air toxicity requirements, and the technology exists to cost efficiently control such emissions, including mercury and acid gases. The EPA is now under a court deadline to finalize that rule before the end of 2011 because of the previous delays.

To suggest that plants are retiring because of the EPA's regulations fails to recognize that lower power prices and depressed demand are the primary retirement drivers. The units retiring are generally small, old nd inefficient. These retirements are long overdue.

Contrary to the claims that the EPA's agenda will have negative economic consequences, our companies' experience complying with air quality regulations demonstrates that regulations can yield important economic benefits, including job creation, while maintaining reliability.

The time to make greater use of existing modern units and to further modernize our nation's generating fleet is now. Our companies are committed to ensuring the EPA develops and implements the regulations consistent with the act's requirements.

Peter Darbee, chairman, president and CEO, PG&E Corp.; Jack Fusco, president and CEO, Calpine Corp.; Lewis Hay, chairman and CEO, NextEra Energy, Inc.; Ralph Izzo, chairman, president and CEO, Public Service Enterprise Group Inc.; Thomas King, president, National Grid USA; John Rowe, chairman and CEO, Exelon Corp.; Mayo Shattuck, chairman, president and CEO, Constellation Energy Group; Larry Weis, general manager, Austin Energy.

(From the American Lung Association, Mar. 21, 2012]

NEW POLL SHOWS THE PUBLIC WANTS EPA TO DO MORE TO REDUCE AIR POLLUTION

VOTERS SUPPORT SETTING STRONGER CARBON POLLUTION STANDARDS TO PROTECT PUBLIC HEALTH

WASHINGTON, DC.—As big polluters and their allies in Congress continue attacks on the Clean Air Act, the American Lung Association released a new bipartisan survey examining public views of the Clean Air Act and the U.S. Environmental Protection Agency's (EPA) efforts to update and enforce lifesaving clean air standards, including carbon and mercury emissions from power plants.

The bipartisan survey, conducted by Democratic Research polling firm Greenberg Quinlan Rosner Research and Republican firm Perception Insight, finds that nearly three-quarters of likely voters (73 percent) nationwide support the view that it is possible to protect public health through stronger air quality standards while achieving a healthy economy, over the notion that we must choose between public health or a strong economy. This overwhelming support includes 78 percent of independents, 60 percent of Republicans and 62 percent of conservatives, as well as significant support in Maine, Pennsylvania and Ohio.

The Obama Administration will soon release updated clean air standards for carbon pollution emitted by power plants, and a substantial majority of voters support the EPA implementing these standards, even after hearing opposing arguments that stricter standards will damage the economic recovery. Initially, 72 percent of voters nationwide support the new protections on carbon emissions from power plants, including overwhelming majorities of both Democrats and Independents and a majority of Republicans.

After listening to a balanced debate with message both for and against setting new carbon standards, support still remained robust with a near 2-to-1 margin (63 percent in favor and 33 percent opposed). Support remained especially robust in Maine and Pennsylvania (64 percent in each state). The majority of Ohio voters (52 percent) also favored new carbon standards, which is notable since the poll was conducted during a period of heavy media attention concerning statewide electricity rate increases and potential power plant shutdowns.

''This bipartisan poll affirms that clean air protections have broad support across the political spectrum,'' said Peter Iwanowicz, Assistant Vice President, National Policy and Advocacy with the American Lung Association. ''Big polluters and their allies in Congress cannot ignore the facts; more air pollution means more childhood asthma attacks, more illness and more people dying prematurely. It's time polluters and their Congressional allies drop their attempts to weaken, block or delay clean air protections and listen to the public who overwhelmingly wants the EPA to do more to protect the air we breathe.''

Voters also voiced strong support for stricter standards to control industrial and power sector mercury and toxic air pollution. When asked about setting stricter limits on the amount of mercury that power plants and other facilities emit, 78 percent of likely voters were in favor of the EPA updating these standards.

Strong support was also seen for stricter standards on industrial boilers. Initially, 69 percent of voters supported the EPA implementing stricter standards on boiler emissions. After hearing messaging from both sides of the issue, voters continued to support these standards by nearly a 20-point margin (56 percent favor, 37 percent oppose).

Key poll findings include: nearly three quarters (73 percent) of voters, say that we do not have to choose between air quality and a strong economy—we can achieve both; a 2-to-1 majority (60 to 31 percent) believe that strengthening safeguards against pollution will create, rather than destroy, jobs by encouraging innovation; about two-thirds of voters (66 percent) favor EPA updating air pollution standards by setting stricter limits; 72 percent of voters support new standards for carbon pollution from power plants and support is strong (63 percent) after hearing arguments from both sides of the issue; 60 percent of voters support stricter standards for gasoline and limits on the amount of tailpipe emissions from cars and SUVs (particular strong given all the recent attention to high gasoline prices).

Despite more than a year's worth of continued attacks on clean air protections from big corporate polluters and their allies in Congress, voters across the political spectrum view the Clean Air Act very positively; with a 2-to-1 favorable to unfavorable ratio. At the same time, feelings toward Congress continue to drop, especially among Democrats and independents. Just 18 percent of voters nationally give Congress a favorable rating, while 56 percent rate Congress unfavorable. The unfavorable rating of Congress is up 9 percent since the American Lung Association's last survey released in June 2011.

''The survey clearly indicates that voters reject the notion that we have to choose between strong safeguards against air pollution and economic growth,'' said Andrew Bauman, Vice President at Greenberg Quinlan Rosner Research. ''In fact, voters overwhelmingly believe that stronger safeguards against air pollution will create jobs in America.''

''The poll does show there is broad support across partisan lines for new carbon regulations on power plants,'' said Marc DelSignore, President of Perception Insight. ''However, there is a significant difference in the views regarding the impact regulations may have on the economy, with Republicans expressing higher concern for possible job loss and rising energy prices than Democrats or independents.''

This resolution of disapproval goes against 78 percent of the American people. They are no fools. I heard a second opinion? I have got a third opinion, and my third opinion is that if you look at this poll, you understand that the American people get it. They know the technology exists, and they know these improvements can be made. They know there are jobs created when best-available control technology is put in, and they are opposed to this kind of resolution that would roll back the clock and continue our people breathing in toxins.

Mr. INHOFE. Will the Senator yield?

Mrs. BOXER. I won't yield because Senator CARDIN is waiting. I yield to Senator CARDIN 6 minutes, and then I will yield to the Senator on his time.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

Mr. CARDIN. Madam President, first I want to thank Senator BOXER for her extraordinary leadership on these issues.

I invite my friend from Wyoming to come to Glen Burnie, MD, and see the 12,000 megawatt Brandon Shores powerplant which it is not only operating, but it is in full compliance with Maryland's healthy air law that is very similar to the proposed regulations we are debating today. That powerplant didn't close. It made the investments so that we have a clean energy source and in the process created 2,000 jobs in modernizing that powerplant.

That is why we have many companies that support the regulation, because they know it is going to mean more jobs—including Ceres and American Boiler Manufacturers Association, as well as companies such as WL Gore.

I want to thank Senator ROCKEFELLER for his extraordinary statement. I was on the floor listening to him speaking on behalf of the people of West Virginia. They are interested in a clean economy, good health, and jobs.

I want to thank Senator ALEXANDER for speaking up for the people of Tennessee, because he understands the importance of sensible air quality standards.

I want to speak on behalf of the people of Maryland, on behalf of the families I have the honor of representing in the Senate.

This is the week that summer camps start. Some parents are going to have to make a decision, when we have a day that is rated as a code orange or a code red because of air quality issues concerning ground-level ozone, as to whether they are going to send their child to camp that day if that child has a respiratory issue, an asthma issue, as to whether that child should be outdoors during that day when we have these air quality warnings. If the parent decides to keep the child at home, they have lost that day of camp and the cost of that day of camp. They have lost a day of work, because somebody is going to have to stay at home with the child. If they send the child to camp and they have an episode, they may be one of the over 12,000 children who will end up in emergency rooms as a result of dirty air that could be cleaned up by the passage and enactment of these regulations.

The chairman of the Environment and Public Works committee can tell us chapter and verse about the number of premature deaths and those with chronic bronchitis. These toxins that are going into our air cause cancers and neurological developmental and reproductive problems. It is particularly dangerous for children. And the source? Powerplants that have not put in the investment for clean air.

This is doable. It has been done in Maryland and in many powerplants around the Nation. In fact, my State—concerned about our children, concerned about our health—passed the Maryland Healthy Air Act, and the mercury standards in that legislation are very similar to what these regulations would require. Maryland has reduced its mercury and its SO_X and NO_X emissions from the 22-percent level, 90 percent mercury, 80 percent sulfur dioxide, and 70 percent NO_X. And it helped our economy, as I have already pointed out, in the Brandon Shores work that was done.

But here is the challenge we have in Maryland. Maryland's experience shows that an aggressive timeline is not only achievable but it is also desirable. Powerplants are capable of meeting aggressive timelines, and the benefits are unparalleled. Air pollution control protects public health and saves billions of dollars associated with medical costs. The Environmental Protection Agency is required to do a study of cost benefit: How much cost for how much benefit? For every $1 of compliance cost, we save $3 to $9 for our economy. That is a great investment. We like those types of investments.

The Maryland experience also shows that we need a national standard to effectively address air pollution. Maryland has done what is right, but our children are still at risk. Why? Because air pollution knows no State boundary. We are downwind. We have done what is right, but our children are still at risk. That is why we need these standards. We showed that you can do it in a cost-effective way, creating jobs for our community. You can have a clean environment, you can have a growing economy. In fact, you can't do it without it. And that is what these regulations are about.

As Senator ALEXANDER said, we have been waiting 20 years for these regulations. In 1990, Congress passed the Clean Air Act. In 2008, our courts said we can't delay it any longer.

It is our responsibility to protect the public health. It is our responsibility to do what is right. I urge my colleagues to reject this resolution that would deny us the opportunity of protecting our public health.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. INHOFE. Madam President, I heard the Senator from California talk about 78 percent of the people in this country want to reduce mercury. I am part of that 78 percent. The problem is this bill does not address that. By their own numbers, the EPA said the cost is around $10 billion. Of that, less than $6 million would be addressing mercury. The rest of that is in particulate matter, something already recognized under the Clean Air Act.

I yield to the junior Senator from West Virginia for 6 minutes.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia.

Mr. MANCHIN. Madam President, I rise today to speak in favor of the congressional resolution of disapproval that Senator INHOFE has filed under the Congressional Review Act to stop the EPA from implementing one of the most expensive rules in recent memory. I thank my colleague, Senator INHOFE, for introducing this important resolution to send a message to the EPA.

I would like to say a few words about the little State of West Virginia that does the heavy lifting that helps this entire Nation. We mine the coal, we make the steel, we have done just about everything we possibly can. We probably have more people serving in the military, percentage-wise, than any other State. We have given our all for this great country, and we will continue to do the heavy lifting. But what we have to do is make sure the EPA, make sure this government is working with us, not against us. The Government's role is to be a partner, not an adversary but an ally. We are asking the government to work with businesses, not against them. Their actions will put thousands of hard-working Americans out of a job in the worst economy in generations.

Do not raise electricity rates on the consumers who can barely afford their monthly bills today as it is. It is mostly our seniors and people struggling with their families trying to make a living. The economic reality is that the environment and economy have to work hand in hand. It has to be in balance.

From the day I arrived at the Senate, I have been determined to stop the EPA's job-killing agenda, and this resolution of disapproval takes an important step to rein in this out-of-control agency. In the State of West Virginia, like most States, we do our rules and regulations through a legislative process. People have to vote. We do not give bureaucratic agencies the right to set policy. The people have given us that responsibility and right as elected

leaders to set the policy. That is what we are asking. We have this agency stepping way beyond its boundaries, further than our Founding Fathers ever intended, that is putting an absolute burden on the backs of every American.

Along with a handful of other rules on the verge of being implemented or already in place, the Utility MACT rule would cost the economy over $275 billion over the next 25 years, according to the Electric Power Research Institute. The Utility MACT could cost 1.3 million jobs over the next two decades, according to the National Economic Research Association.

On the issue of Utility MACT, I have heard from thousands of West Virginians in the past several weeks. In fact, just yesterday I had 45 of my constituents from Boone County, WV, get on a bus, 756 miles, drive all day to get here to be able to speak to some of us, and drive last night to go back home. That is how committed and dedicated most of them are. They had either worked in the mines or were working in some aspect of mining.

People think mining is just coal mining and coal mining only. It is not. The energy business is basically—if people work in a battery factory or a machine shop, if they work in any type of ancillary jobs, the ripple effect to their economy is unbelievable. If they work in a powerplant—these people were scared to death because all they hear every day is they are going to lose their jobs because the government is going to shut them down and work against them.

About three-fourths of the miners in that room had already been laid off. They are fighting for their jobs. They brought their families and children with them. They wanted to make sure we could put the faces of real people on what is happening.

Our coal miners are the salt of the Earth. They work so hard to provide energy for our country and provide for their families. They do not want a handout. All they want is a work permit. That is all they have asked for. Now is not the time to pull the rug out from under them and make them worry about how they will pay their bills and feed their family.

I believe this country needs to strike a balance, and I have said that before. Our lives are about balance. Every day people get up in the morning they look for a balance in their lives. They look for a balance in how they can run their business, how they can make a living. That is what we need to find in this body today. The EPA has truly gone too far.

We have heard so many different testimonies about that. That is why I will be casting my vote in favor of this resolution by Senator INHOFE to disapprove of the new rules, and I urge all my colleagues to do the same. I truly believe energy is an issue where we can bring thoughtful members of both parties together to work out solutions.

Let me point out an important example. In the time I served, I learned that many of my colleagues know of West Virginia only as a coal State. They have no idea what we do and how we do it. This past weekend I wanted to make sure they understood that not only do we do coal, we do wind, we do hydro, we do natural gas with the Marcellus shale—a tremendous find—we do biomass, we do everything we can, and we think every State should be held accountable and responsible to try to be energy independent and do it in the most environmentally friendly way.

This weekend I invited leaders of the Energy Committee, Senators WYDEN and MURKOWSKI, a Democrat and a Republican, to spend a weekend with me to tour our State to see how West Virginia's all-in policy for energy works. One of them will likely be the next chair of Energy and Natural Resources, but I assure you both of them will work as a team trying to find policy that works for this country. You will hear both of them say one size doesn't fit all. We need everything. We need a comprehensive energy plan for this country—which brings me to our recent visit to West Virginia.

They saw how we are using an ''all-of-the-above'' approach. In the eastern part of our State we stopped at Mount Storm. They saw a 265-megawatt wind farm. They saw a 1,600-megawatt coal-fired plant with the most modern technology that cleans the air up to 95 percent. They saw it all. When the wind is not blowing, basically they saw there was no power generated—especially in the hot summer or the cold winter.

Basically what we are saying is we are doing everything we possibly can. We will continue. In short, we saw a little bit of everything that can be done if we work together. I think it should be a bipartisan effort to find a solution. We cannot keep fighting each other, and agencies cannot keep controlling what we are not legislating. If it has not been legislated, it should not be put into law until we are able to evaluate it.

I appreciate what is being done today, the bipartisan effort we are talking about. We have our differences, but we can come together.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. BOXER. Madam President, I think when the Senator talks about balance, he ought to recognize that one-half of the coal-fired utilities have already made these adjustments, they have reported to us, with very little impact to electricity rates.

I yield 5 minutes to Senator SANDERS.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. SANDERS. Madam President, let me begin by saying I suspect that I have the strongest lifetime proworker voting record in the Senate. I want to create jobs, not cut jobs. What Senator BOXER and Senator CARDIN and others are talking about is creating meaningful, good-paying jobs as we retrofit coal-burning plants so they do not poison the children of Vermont and other States around the country.

So to Senator INHOFE and others, I say respectfully: Stop poisoning our children. Let them grow up in a healthy way.

The Clean Air Act is set to cut mercury pollution by 90 percent using technology that is available right now. That would be good news since the Centers for Disease Control and Prevention say mercury can cause children to have ''brain damage, mental retardation, blindness, seizures, and the inability to speak.''

We get exposed to mercury simply by eating fish contaminated with it, and we have seen fish advisories in 48 out of the 50 States in this country. Wouldn't it be nice if the men and women and the kids who go fishing could actually eat the fish they catch rather than worry about being made sick by those fish?

Powerplants are responsible for one-third of the mercury deposits in the United States, but Senator INHOFE's resolution would let them keep right on polluting. His resolution would also eliminate protections against cancer-causing pollutants such as arsenic, as well as toxic soot that causes asthma attacks. Leading medical organizations, including the American Academy of Pediatrics, the American Lung Association, the American Heart Association, and the American Nurses Association have said ''Senator INHOFE's resolution would leave millions of Americans permanently at risk from toxic air pollution from powerplants that directly threaten pulmonary, cardiovascular and neurological health and development.''

That is not BERNIE SANDERS saying that; it is the American Academy of Pediatrics, the American Lung Association, the American Heart Association, and the American Nurses Association.

We are talking about preventing thousands and thousands of premature deaths. We are talking about preventing heart attacks. We are talking about what is a very serious problem in my State, and that is asthma. Maybe Senator INHOFE would like to join me in the State of Vermont—I go to a lot of schools and I very often ask the kids and ask the school nurses how many kids are suffering with asthma, and many hands go up. Thank you very much. We do not want to see more asthma in Vermont or in other States that are downwind.

We hear a lot from some of our Republican friends about jobs. The truth is if we are aggressive in cleaning up these coal-powered plants, we can create, and we have already seen created, many good, decent-paying jobs. In fact, if we invest—if the utility industries will invest in pollution controls, we can create almost 300,000 jobs a year for the next 5 years—meaningful, good-

paying jobs making sure that our air is cleaner and that our people do not get sick.

Let's talk about job creation and cleaning up our environment. This is not just theory. I am the chairman of the Clean Jobs Subcommittee. We heard from Constellation Energy, which installed pollution controls at their 1280-megawatt coal plant in Maryland that cut mercury emissions by 90 percent. This $885 million investment created at its peak 1,385 jobs onsite at the plant for boilermakers, steamfitters, pipefitters, operating engineers, ironworkers, electricians, carpenters, teamsters, laborers—just the kind of jobs we want to create. The American people know we have to rebuild our infrastructure. We can create jobs doing that. This is one of the areas where we can create decent-paying jobs and help keep our kids from getting sick.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. SANDERS. I urge very strongly a ''no'' vote against the Inhofe resolution.

Mr. INHOFE. Madam President, I yield 5 minutes to Senator RISCH.

The ACTING PRESIDENT pro tempore. The Senator from Idaho.

Mr. RISCH. Madam President, I come to the floor this morning to urge an affirmative vote for Senator INHOFE's resolution. With all due respect to my friend from Vermont, this is not a job-creating bill. Virtually everyone who has looked at that has said this will kill jobs; this will move jobs overseas. Everyone who has looked at this has said it will increase the cost of energy for the American taxpayer.

It does two things: It kills jobs and it increases the cost of energy. Why would anyone vote for this? This is absolute foolishness. Today, Americans are concerned about jobs—they are really concerned about jobs. Everywhere I go, people ask me about jobs. They ask me about the economy.

Today, we, as Senators, have the opportunity to do something about that. The failure of this resolution and the implementation of the rule the EPA has put in front of us is going to kill jobs and is going to increase the cost of energy in America. It is going to do precisely what so many Senators come to the floor and whine about; that is, run jobs overseas.

If you are a job creator, if you are someone thinking of investing, if you are someone who wants to move the American economy forward, you look at every single aspect of it. When you see something like this—and it is not just this, it is this and a parade of never-ending rules and regulations that kill jobs and increase the costs for the job creators—these are things that clearly urge job creators to create jobs in a place other than America. That is just flat wrong.

That is not what I am here today to talk about primarily. What I am here today to talk about is the way we are going about it. The Founding Fathers did a good job when they set up our government. Indeed, out of the thousands of governments that have been created over the years, most of which have failed, only one has had the success our Founding Fathers had. They created a government out of fear of government. They didn't create a government that said: How can we do this? How can we do that? They were interested in keeping government away from them, keeping government away from their jobs, from their businesses, and from their investments. That is what they wanted to do, and it worked for about 200 years. For about 200 years the Federal Government left the American people and the job creators alone.

Today, over the last 3½ decades or so, the Federal Government has stuck its nose into every single aspect of our lives, and here we go again. What we have here is the Federal Government using its power and its regulatory process to get its nose into places where it should not be. This is the job of Congress. It is not the job of the bureaucracy to pass these kinds of laws. This isn't a rule or a regulation as the Founding Fathers anticipated these sorts of things. The Founding Fathers set this up with three branches of government to fight with each other so they would leave the American people alone. They said the job of creating laws, the job of creating regulations, the job of creating rules was the job of the Congress.

Somewhere along the line, we have lost our way. Last year the Congress passed about 2,000 pages of legislation, and that included the spending bills. Last year the bureaucracy passed about 70,000 pages of rules and regulations that have the same force and effect as law.

The Congress has lost the ability to pass the laws that govern conduct in the United States. People will argue, yes, but Congress won't do it; Congress won't act. That is precisely the point. We were elected by the American people to act or not act as is appropriate. When we don't act, when we don't do something, it is just as important as when we do something. Indeed, I would argue many times more important. Well, what it has come to today is 2,000 pages versus 70,000 pages.

In Idaho we had the same problem for a lot of years. In Idaho it was the same way. The bureaucracy could pass a rule or regulation that had the force and effect of law.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. RISCH. We have changed that and gotten it to where the legislature has full control. This has to change. Congress has to take back its ability to handle the law as it is imposed and the burden that is imposed on the American people.

I yield the floor.

Mrs. BOXER. I yield 4 minutes to the Senator from Delaware, Senator CARPER.

The ACTING PRESIDENT pro tempore. The Senator from Delaware.

Mr. CARPER. While our friend from Idaho is trying to leave the Senate floor, I want to say that the Congress did act. Harry Truman said the only thing that is new in the world is the history we never learned or forgot. The Congress did act with a Republican President, a guy named George Herbert Walker Bush. It was passed overwhelmingly in the House and in the Senate and supported, as I recall, by those of us here on the Senate floor today.

I will go over a little history here. In 1990, the Clean Air Act said: Look, there are problems with toxic air emissions. We are not sure where they are coming from, but let's spend a little bit of time and have the EPA figure it out. They spent 10 years trying to figure it out. In the last year of the Clinton administration, the conclusion was reached that a lot of the toxic air emissions such as mercury, arsenic, heavy metals, acid gases, come from utilities. A lot comes from utilities.

In 2001, the brandnew Bush administration said: Well, let's go to work and figure out what to do about it. Five years later in 2005, the Bush administration said: Here is a rule to deal not with the 70 toxic emissions but with one, mercury. Just one. Immediately lawsuits were filed, and in 2008 the Federal courts said: What about the other 70 toxins? They didn't do anything about the other 70 toxins. What they did with mercury was a cap-and-trade system which doesn't work for mercury. The courts remanded it to the EPA and said: Let's try that again.

Senator ALEXANDER has been heroic on these issues. And while I have worked literally for years to try to make sure the Congress provided some leadership—we do see toxic air emissions from sulfur dioxide and nitrous oxide as well—there is not an appetite with the utilities to actually support legislation.

We finally gave it a great try in 2010. My friend Senator INHOFE was part of the effort to get legislation enacted. Finally, I think the utilities said we would rather take our chances on an election and see what the election yields and see if we have to deal with the EPA. Well, we had an election and now the courts are saying: EPA, you have to rule. You have to provide leadership, and the EPA has done that. It is not as if they are jamming it down anybody's throat.

Senator ALEXANDER and I offered legislation that said by 2015 there has to be a 90-percent reduction in mercury. What the EPA has said is by 2015, there has to be a 90-percent reduction plus they need to address a bunch of other toxic emissions. The EPA said the States can give an automatic 1-year extension. If utilities have problems with getting this done by 2016, they can apply for another 2-year extension. This started in 1990. It is 2012. When we play out the string, it could be as late as 2018 to comply.

In the meantime, States including Delaware, Maryland, Pennsylvania, New Jersey, and a bunch of us on the east coast, are downwind of all the States that put up the pollution in the air. We have to breathe it.

Look, the technology exists to fix this problem. Fifty percent of the utilities have already applied the technology. It works. It is broadly deployed. Most utilities have the money to pay for this. If they don't, they have the ability to raise capital.

There are tens of thousands of workers who wish to do this work. The idea that we have to choose between a stronger economy and a cleaner environment is a false choice. It has always been a false choice, and it is a false choice here today.

I am a native of West Virginia. After my dad finished high school, he was a coal miner for a short time, so I have relatives back in West Virginia. I care a lot about the State and the people who live there. I want to make sure we do whatever is fair to them. I want to thank JAY ROCKEFELLER for stepping up for West Virginia and being a hero here today.

I yield the floor.

Mr. INHOFE. Madam President, I wish to yield 5 minutes to the Senator from Missouri, Mr. BLUNT.

The ACTING PRESIDENT pro tempore. The Senator from Missouri.

Mr. BLUNT. Madam President, I thank the Senator for this time. I rise in support of this resolution. We have only been able to use the Congressional Review Act successfully one time, and I think that means at some point we need to look at the Congressional Review Act because these regulations often don't meet the commonsense standard, and this is one of them. However, it appears to meet the standards that the President would want his regulators to meet.

In fact, in January of 2008, the President—while running for President—said that coal-fired plants would go bankrupt. He said later in the campaign that electricity rates would necessarily skyrocket under his plan to tax greenhouse gas emissions through what was then the cap-and-trade system. The House passed that system in 2009.

Missouri utilities all went together, including the rural electric cooperatives, the for-profit utilities, and the municipal utilities and paid for a study in our State, which is in the top six States of dependence on coal. That study indicated that the average utility bill would go up 82 percent in the first 10 years and double shortly after that. You don't have to be a genius to get your utility bill out and multiply it by two. If it is your utility bill at home, it may be a utility bill you cannot pay. If it is your utility bill at work, it may mean that your job is no longer there because the utility bill went up. That House-passed bill would have had that result in our State. There are five States that are more dependent on coal than we are for utilities.

The Senate then rejected the cap-and-trade bill, and thank goodness it did. But when it did, the President said there are other ways of ''skinning the cat.'' He said there are other ways besides just an ''all-of-the-above'' energy policy. His administration has bypassed the Congress, bypassed the will of the American people, and they are clearly trying to do by regulation what I believe the Congress would now never do. Once the American people figured out that cap-and-trade and policies such as this would have this devastating impact on their utility bill—about 50 percent of all of the utilities from the middle of Pennsylvania to the western edge of Wyoming are coal-generated utilities. Once people figured that out and the impact it had on their ability to have a job and their ability to do what they need to do at their house, they didn't want to do it.

With this rule the EPA has finalized a regulation that would require power companies to reduce emissions in a period that is unrealistically short. A 3-year timeframe means that many power-generated facilities don't reduce emissions, they close the plant. What this stands for is an assault on coal and coal-based utilities. The Administrator of the EPA, Lisa Jackson, said recently that the current challenges for the coal industry are ''entirely economic.'' That is what she said, ''entirely economic.'' I don't know how anyone who is paying attention to the EPA, to regulations, or to the price of coal, could say that the problems are entirely economic. They are not economic at all. We have more recoverable coal than anybody in the world. We now think we have more recoverable natural gas than anybody in the world.

By 2016, under the current EPA rules that are out there, plus this one, our utilities in our State would go up as much as 23 percent for the average Missourian, and more than that for some people in parts of our State. That is a 23-percent increase on your utility bill by 2016.

The estimates are that by 2020, we will lose 76,000 jobs because of that increase in utility rates. Where are those jobs going to go? They are not going to go to California or Massachusetts or somebody who has bills higher than ours today. They are going to go to places that care a lot less about what comes out of the smokestack than we do.

Last year in States where coal generated at least 60 percent of the electricity, consumers paid 30 percent less in energy prices than States that used less coal for their electricity. And in our State, as I said, 82 percent of our electricity comes from coal.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. BLUNT. I urge my colleagues to vote for the issue before us that says we don't want to have this rule. We want to do the right thing, not the wrong thing.

I thank the Senator for this time.

I yield the floor.

Mr. LEAHY. Madam President, the Senate will vote today on whether to proceed to a congressional resolution of disapproval that I strongly oppose. This resolution would repeal the Environmental Protection Agency's mercury and air toxics standards rule and undo the great strides the Agency has taken to safeguard the public's health and welfare and our quality of life in this great land.

The EPA's mercury and air toxics standards represent a true breakthrough in environmental policy. This rule offers clear benefits to every American, and it is especially important to Vermonters, who disproportionally suffer from the devastating effects of mercury and other toxic air pollutants. Although my home State has no major sources of mercury, Vermonters have been besieged by this insidious poison, which drifts across our borders from other States.

The EPA estimates that each year, toxic air pollutants cause up to 11,000 premature deaths, 4,700 heart attacks, and 130,000 cases of childhood asthma, among other illnesses. Mercury, a truly unwelcome addition to our daily lives, has had catastrophic effects on the health and well-being of all Americans, as well as a ruinous impact on our Nation's pristine natural environment. There is no known safe level of exposure to mercury it is harmful to humans in even the smallest amounts. Tragically, mercury's most devastating effect is on those victims least able to protect themselves: unborn and newborn children. Mercury has been shown to cause developmental disabilities and brain damage, resulting in lowered IQ's and learning problems, such as attention deficit disorder. Sadly, these affects are permanent and irreversible. They lead to a lifetime of trips to the emergency room, costly medical interventions, personal and family heartbreak, and lost potential.

The American people want their air and water to be cleaner and healthier and most certainly free of toxic pollutants. Vermonters and Americans want this for all of us. Safe water and safe air to breathe should be a valued legacy of our lives in this blessed Nation. We also know that protecting the weakest and most vulnerable members of our society is among Congress's most solemn duties. This resolution of disapproval undermines that goal. Why should one more child struggle to breathe and gasp for air when such suffering is preventable? Why should one more parent die a premature death? Congress should not meddle in this vitally important issue literally, for many, an issue of life or death or chronic illness. If the EPA's mercury and air toxics standards are repealed, the simple reality is that it will be somebody's loved one who pays the price, and the price they pay may be irreversible.

During the Bush administration, I offered my own Congressional Review Act joint resolution of disapproval, known as the Leahy-Collins resolution, to contest an EPA mercury rule that was far too weak and failed to protect the American people. It is hard to believe that now, almost 7 years later, this issue is still unresolved and we are fighting to save an EPA rule that is fair, just, science-based, and reasonable. A sound environmental policy that protects our citizens from the hazards of mercury and air toxics is long overdue.

In addition to the numerous health benefits that removing these toxics would mean for our citizens, both young and old, the EPA's mercury and air toxics standards would protect America's precious waterways, making them accessible to the sport fishermen of today and for countless generations to come. Today, large game fish from every body of water in Vermont, including our State's greatest lake, Lake Champlain, are so heavily contaminated with out-of-State mercury that people must be warned against eating them. In fact, all 50 States have issued fish consumption advisories, warning citizens to limit how often they eat certain types of fish because they are contaminated with mercury. Let me repeat that. Because of mercury contamination, every State of our great Nation today warns its citizens to limit how often they should consume certain kinds of fish. We can change that. We should change that. We must change that. Environmental standards can and have made tremendous differences in our lifetimes in virtually eliminating such toxics as the fumes from the burning of leaded gasoline, which only recently was ubiquitous on our streets and around our homes. We must do the same to begin ridding poisonous mercury from our air and water.

Without these standards, powerplants will continue to spew tons of mercury and other toxic air pollutants into the air. Without these standards, this preventable, slow-motion tragedy will continue to unfold despite the fact that the pollution control technology mandated by this rule is already widely available, affordable, and in use in many coal-fired powerplants throughout the Nation. Thirty-three percent of older powerplants have already installed lifesaving technology which allows them to comply with the EPA's emission limits, and a full 60 percent already comply with the EPA's mercury limit. This resolution of disapproval would be especially ill-advised because it would unjustly punish companies that have taken steps to do the right thing, while rewarding those that have shirked their responsibilities, endangered countless lives, and imperiled the environment.

As another great benefit to the American people, industry-wide adoption of innovative pollution control technology would stimulate investment in the economy, job creation and greater productivity. The updated standards will create thousands of long-term jobs for American workers. These workers will be hired to build, install, and, ultimately, operate the machinery that will reduce health-threatening emissions. The EPA estimates that implementing this rule will mean jobs for tens of thousands of hard-working Americans, including 46,000 construction jobs and 8,000 long-term utility jobs. When added onto the health benefits, these standards will have an annual estimated benefit of $37 to $90 billion dollars. Green jobs are not just good for the environment in which we live, work, and breathe, they are good for the economy and good for America.

I hope that when Senators consider this resolution of disapproval, they remember that its passage would prevent the EPA from issuing any standards in the future that were substantially similar to the current mercury and air toxics standards. As a result, Americans would continue to be put at risk from the debilitating and sometimes deadly effects of air pollution pumped into America's air by energy companies and other sources. Regrettably, this threat to human health and the environment would continue indefinitely because the resolution of disapproval would strip the EPA of essential tools to address these hazards.

The value of these tools is as incalculable as the value of human life and the health of our families. Make no mistake about it: Investing in the new technology mandated by the EPA's mercury and air toxics standards will save countless lives and will improve the quality of the environment of our communities for years to come. We owe it to ourselves and we owe it to future generations of Americans to make this investment now.

Mr. LEVIN. Madam President, our country's economy and competitiveness in global markets depends on access to affordable energy resources, including electricity that powers our manufacturing plants and keeps businesses operating throughout the Nation. Additionally, affordable electricity is vital to the health, safety, productivity, and quality of life of American families, as well as keeping their budgets in check.

Generating this vital power, however, has come at a cost to our public health and to the environment. Coal- and oil-fired powerplants account for about half of the Nation's mercury emissions and more than half of the country's acid gases. Powerplants also contribute about one-quarter of our Nation's particle pollution. These emissions from powerplants can cause damage to brain development, premature death, asthma, heart attacks, and other health complications with the heart and lungs.

Under the authority of the Clean Air Act Amendments of 1990, on December 21, 2011, the Environmental Protection Agency, EPA, announced its final rule to establish technology-based emission limits for mercury and other hazardous air pollutants from coal- and oil-fired powerplants, which are estimated to number about 1,400 units nationwide. About half of the electric generating units affected by this rule have already installed equipment to meet these emission limits, and many have expended large sums to get there. The other units that need to install pollution control equipment within the next 3 to 4 years could potentially have a competitive market advantage over the companies that have installed the technology if we simply override the EPA.

The emission reductions expected as a result of the rule are projected to improve our Nation's air quality, resulting in a reduction annually of approximately 11,000 premature deaths, 4,700 nonfatal heart attacks, 130,000 asthma attacks, 5,700 hospital and emergency room visits, 2,800 cases of chronic bronchitis, and 3.2 million restricted activity days. The EPA estimates the value of these health benefits is between $37 billion and $90 billion annually.

Additionally, the rule will also prevent mercury from contaminating vital water resources. All of the Great Lakes and all of Michigan's inland lakes have fish consumption health advisories due to mercury. This rule should help clean up these lakes and make fish from any lake safer to eat.

In contrast to the benefits that will be provided by this rule, the annual cost of installing and operating the pollution control equipment is estimated at about $10 billion annually. These costs are expected to translate into higher electricity costs of about $3 to $4 per month, although those costs would vary regionally.

Senator INHOFE's joint resolution of disapproval would completely overturn this EPA rule that limits harmful pollutants from powerplants. Additionally, under the Congressional Review Act, which is the statute that provides the authority for Senator INHOFE to move this measure under expedited procedures, this disapproval resolution would also prevent the EPA from issuing any regulations that are ''substantially the same'' as the disapproved standards. Thus, this prohibition would effectively require Congress to pass a law creating a new authorization before EPA would be able to do anything about this pollution.

I support congressional oversight and, in fact, believe Congress should exercise more oversight. But this rule protects the health of Michigan residents by requiring commercially available technology to be installed at powerplants that currently do not have these controls in place. The rule will result in significant air quality improvements, protecting public health and our lakes from harmful pollution. Its payback is significant in health and in economics.

For these reasons, I will oppose this measure.

Mr. KERRY. Madam President, I talked about this phenomenon yesterday on the Senate floor, and today we have even more evidence of what I was talking about: a reckless assault on our environment given new life by the resolution before the Senate today. We are being asked to sacrifice the health of men, women, and children, all for the sake of the coal industry, a move that makes people sicker, denying Americans their right to a healthy environment to live in and raise their children.

No one who cares about the health of our citizens, the health of our economy, and the health of our planet should support this resolution. They should be outraged that we are even having this kind of debate. The Congressional Review Act resolution before us would eliminate the Environmental Protection Agency's mercury and air toxics standards, or MATS, for powerplants. Let's be clear what that means. It means the EPA would be prevented from adopting meaningful replacement standards to protect Americans from mercury and some 80 other toxic air pollutants that cause cancer and other health hazards. Let me repeat. These pollutants are known to cause cancer and other health hazards.

The science is unequivocal and has been for years mercury is a known neurotoxin that can have a devastating effect on the brain and nervous system of a developing child, reducing IQ and impairing the ability to learn.

We know the effects of mercury, and we know its source. Coal and oil-based powerplants constitute the largest manmade source of mercury emissions in the United States—they are responsible for half of the mercury emissions in America. They also emit more than 75 percent of the acid gas emissions and 25 percent of toxic metals lead, arsenic, chromium, nickel. We are talking about some really toxic pollution that is known or suspected to cause cancer and cardiovascular disease, damage to the eyes, skin, and lungs. It can even kill.

Under EPA's MATS, utilities will be regulated for mercury and these other toxics for the first time in our Nation's history. These standards are more than a decade overdue, so it is way past time to end the free ride the polluters have been enjoying. Now, I understand my colleagues are peddling the message that the EPA is waging a ''war on coal.'' But they are just trying to distract us from the facts, and the fact is the EPA is simply doing its job and following the law. It is no more complicated than that. There is no conspiracy and no secret agenda. Their job is to protect Americans, and that is exactly what they are doing.

The Clean Air Act requires the EPA to regulate emissions of mercury and other hazardous air pollutants. The EPA employs a process that requires the use of ''maximum achievable control technology.'' In other words, the standards are feasible, they are based on what industry leaders are already doing. EPA estimates more than half of coal-fired units have equipment installed that can help meet the standards. Roughly 55 percent of our electricity is from nuclear, natural gas, and renewable energy sources, and they are not subject to the rule's provisions. And for those that need more time to comply, EPA allows them up to 4 years. It is beyond reasonable.

And this is hardly a ''war on coal.''

MATS will reduce mercury emissions from powerplants by more than 90 percent, acid gases by 88 percent, and reduce emissions of more than 80 air toxics. It will also significantly reduce particulate matter, or PM, emissions that can trigger asthma attacks and damage the lungs. In fact, the combined health benefits are staggering. Beginning in 2016, EPA estimates that the standard would prevent each year 11,000 premature deaths, 4,700 heart attacks, 130,000 asthma attacks, 5,700 hospital and ER visits, and 540,000 missed work and school days.

Let me bring these numbers a little closer to home. EPA estimates MATS would prevent 130 premature deaths each year and up to $1.1 billion in health benefits in 2016.

In total, annual estimated benefits are $37 to $90 billion compared to compliance costs of $9.6 billion. That is an amazing return on investment—for every dollar spent, we will realize $3 to $6 in health benefits.

As a member of the Senate, it is my responsibility to make sure that the children of Massachusetts begin life with a fair shot, and it is my duty to protect the most susceptible, including the 128,000 kids and 531,000 adults with asthma in my home State. To put this issue in focus, one of my constituents, the mother of an asthmatic girl, has said: ''Any person who would say that EPA should be eliminated or its ability to regulate reduced should have to sit in the emergency room holding the hand of a child who can't breathe.''

Some Senators argue that the EPA standard is a job killer. Not true. The fact is it will create 46,000 short-term construction jobs and 8,000 long-term jobs in the utility sector to help build, install, and then operate emissions control equipment.

Some Senators say the rule requires too much, too fast. Not true. Look, the rule has been more than a decade in the making. Any shrewd businessperson would see the writing on the wall and develop their business plan accordingly. And many utility companies already have acted accordingly.

Some Senators say it costs too much to comply and will shut down powerplants, that these rules combined with others will threaten the reliability of the energy grid and dramatically increasing energy costs for consumers. Not true. Numerous reports from EPA, DOE, and CRS state otherwise. According to CRS, ''almost all of the capacity reductions (from the rule) will occur in areas that have substantial reserve margins. . . The final rule includes provisions aimed at providing additional time for compliance if it is needed to install pollution controls or add new capacity to ensure reliability in specific areas. As a result, it is unlikely that electric reliability will be harmed by the rule.''

And in terms of the rule's actual impact on the economy, it is likely to be extremely limited. The retail price of electricity is on average estimated to increase about 3 percent, mainly due to the increase in demand for natural gas. This seems a small price to pay for the massive health and economic benefits I have already highlighted.

We should understand that if we pass this CRA today, we are not guaranteed a do-over. The CRA explicitly prevents EPA from developing a rule to regulate mercury and air toxics from powerplants that is ''substantially the same'' as the invalidated rule. Translation: It would be nearly impossible for EPA to develop another rule to regulate these pollutants. Industry would have you believe otherwise so that you can vote to pass the CRA with a clear conscience. It is a disingenuous effort, and I sincerely hope that my colleagues will see through it.

Mr. President, it is tragic that polluters want to deny a right as basic as clean, healthy air. And it is tragic that anyone, especially a member of the Senate, would refuse to protect even children and the unborn from poisons. I urge the Senate to turn back this political assault on our environment and support standards that will do so much good for so many Americans. Anything else would be turning our backs on the people we are here to serve.

Mr. LIEBERMAN. Madam President, I rise today in strong opposition to Senator INHOFE's resolution of disapproval concerning the Environmental Protection Agency's mercury and air toxics rule. If passed, this resolution would have a devastating impact on our decades-long effort to clean up the air Americans breathe, and it would betray the responsible utility managers who have already taken steps to reduce the mercury and air toxics entering our atmosphere.

As I approach the end of my Senate career, I have spent some time reflecting on my past votes and the legacy I hope to leave behind. The debate before us today brings me back to my very first years in the Senate and an effort that has continued throughout my entire time here.

In 1990, I was part of the group of members of the Senate EPW Committee and the administration of President George H.W. Bush who negotiated and passed the Clean Air Act Amendments. At the time, the need for this legislation was painfully clear—acid rain was eating paint off of cars, and thick, visible smog blanketed too many of our cities. Some wanted Congress to turn a blind eye, but we did not. We acted, and we acted together.

During those many weeks, we met daily to reach a bipartisan agreement

that would put our country on the path to cleaner air. It was the leadership of majority leader George Mitchell and President Bush's representatives, including Boyden Gray, that led us to a grand bargain. Because all of the parties negotiated in good faith toward a common goal, the Clean Air Act Amendments were adopted in an October 1990 vote by an 89-to-10 margin. Think about that: 89 votes in favor of one of the most significant environmental law changes in our history. I regret that such a broad bipartisan agreement in support of our environment will not be repeated this week.

Now, in the final year of my Senate career, we are debating a resolution that seeks to undo one of the provisions that we worked so hard to pass as part of the Clean Air Act Amendments in my first term in office—a requirement that EPA issue standards to reduce emissions of air toxics from stationary sources. That was 22 years ago, but it was only February of this year that EPA finally published the rule that would implement these standards. Administrator Lisa Jackson and Assistant Administrator Gina McCarthy, who served so ably as Connecticut's commissioner of the Department of Environmental Protection, have brought us a rule that will finally put in place the mercury and air toxics restrictions we have been waiting for.

This resolution would roll back that rule, the first-ever national limits on powerplant emissions of air toxics, including mercury. Without this rule, powerplant operators can continue pumping dozens of tons of mercury and hundreds of thousands of tons of other toxic air pollutants into our air each year.

Many of my colleagues have spoken to the extensive health and environmental rationale behind the mercury and air toxics rule, so I will just highlight a few of the most startling statistics. One in twelve American women of childbearing age has mercury blood levels that would put their fetuses at risk for impaired development. These developmental impairments are a human tragedy, denying children their full intellectual and psychological potential.

With respect to the environment, just look at Connecticut. We are blessed by natural beauty—rolling hills, beautiful beaches, vast forests, and flowing streams and rivers. Unfortunately, every single body of water—every lake, stream, river, and pond—in the State of Connecticut has a mercury advisory in place. Where do we think this came from? It was not here before the advent of polluting powerplants spewing mercury into the air. We are blessed by plentiful fresh water, but that gift has been tainted by the mercury that has been spewed into the air over generations. Even in Long Island Sound, one of America's greatest estuaries, we are faced with a restriction on which seafood we can eat. One of the best fish in the sound—the bluefish—is off limits to us because of mercury. Is this the legacy we want to leave our children?

Of course, this debate should not be about which fish we can or cannot eat, it should be about following through on a promise we made to the American people in 1990, by a margin of 89 to 10, that we would move forward on efforts to reduce air toxics being emitted by powerplants. If we pass this resolution, we would break that promise.

Some of my colleagues may claim that the mercury rule is an attack on coal. To them I would say: This is nothing of the sort. This rule would actually save money and save lives. It would save between $37 billion and $90 billion a year in health benefits while creating 54,000 jobs. It would prevent up to 11,000 premature deaths and 130,000 cases of childhood asthma attacks each year. This is a case of government protecting its citizens with a commonsense rule to require widely available pollution control systems be installed at our powerplants.

I want to close by once again urging my colleagues not to break our promise we made to the American people in 1990 that the U.S. Government would do everything in its power to ensure the American people had clean air to breathe and to reduce dangerous pollutants in order to give our children the chance to grow up healthy. I urge my colleagues to vote no on this resolution.

Mr. MENENDEZ. Madam President, I rise to ask the Senate to protect public health, not polluters, and to protect clean air over corporate profits.

Upholding the mercury and air toxics standard means keeping toxic mercury, arsenic, lead, and other pollutants out of our lakes and streams and out of children's lungs. It will prevent 11,000 premature deaths, 5,000 heart attacks, and 130,000 asthma attacks in this country each year after its implementation.

For over 20 years polluters have fought these rules and used their influence to create delay after delay in administration after administration. It is time these rules were finally implemented so we can preserve the health of the American people and our Nation's air quality.

New Jersey has many residents who are vulnerable to poor air quality. According to the American Lung Association, there are over 184,000 children and 587,000 adults with asthma in New Jersey. It is estimated that these new air toxics standards will prevent up to 320 premature deaths and create up to $2.6 billion in health benefits in New Jersey in 2016 alone. These residents deserve better than to have their health subordinated to the financial interests of corporate executives.

Reducing toxic emissions is welcomed by New Jersey's power providers. The Public Service Enterprise Group, PSEG, New Jersey's oldest and largest electric utility, operates several of the powerplants that would be affected by the mercury and air toxic standards. Because these regulations have been in the works for over 20 years, PSEG and other power providers have already made investments in anticipation of their implementation. To assert that these standards are somehow a surprise or could not have been anticipated by electric utilities would be grossly inaccurate.

Mercury is perhaps the most dangerous pollutant targeted by this rule and coal-fired powerplants are responsible for half of the mercury emissions in the United States.

Mercury, a dangerous neurotoxin, has been associated with damage to the kidneys, liver, brain, and nervous system. It has also been shown to cause neurological and developmental problems in children. The American Academy of Pediatrics, in detailing the impact of mercury exposure on human health, noted,

> mercury in all of its forms is toxic to the fetus and children, and efforts should be made to reduce exposure to the extent possible to pregnant women and children, as well as the general population.

Elevated levels of mercury exposure have also been shown to put adults at increased risk of heart attacks, increased blood pressure, and blocked arteries. Rather than cater to polluters, we must heed the warnings of doctors, nurses, and respiratory therapists—medical professionals that have dedicated their lives to preventing and treating illness caused by mercury.

Mercury emissions also act as a pervasive contaminant throughout our Nation's watersheds, where the pollutant accumulates in fish, other wildlife, and ultimately, in humans. In 2003, Jeff Holmstead, the EPA Assistant Administrator for Air and Radiation under George W. Bush, stated:

> Mercury, a potent toxin, can cause permanent damage to the brain and nervous system, particularly in developing fetuses when ingested in sufficient quantities. People are exposed to mercury mainly through eating fish contaminated with methylmercury.

In New Jersey, mercury has been a widespread and consistent contaminant in freshwater fish collected throughout the State, with unsafe concentrations of mercury being found in both urban and rural areas. The statistics send a clear message: if we don't act now, we risk mass contamination of our Nation's waters and food supply.

The mercury and air toxics standard will work to curb toxic emissions produced from coal powerplants, and to ensure that future emissions comply with set national limits. These new standards are expected to reduce mercury emissions from coal and powerplants by 90 percent, acid gas pollution by 88 percent, and particulate matter emissions by 30 percent.

Senator INHOFE's proposal, if enacted, would not only void all of the health benefits produced by the air toxics standard, but also prevent the government from issuing similar standards in the future. In effect, this would

severely curtail the government's ability to address the serious hazards posed by pollutant emissions. I believe this would be deeply irresponsible.

These national standards are long overdue. In 1990, Congress amended the Clean Air Act to require performance-based regulations of air pollutants, in an effort to reduce toxic emissions produced from industrial sources. That amendment was passed with broad bipartisan support, approved by 89 Senators, 401 House members, and signed by a Republican president. After two decades, national standards regulating powerplant emissions of mercury and other toxic pollutants are finally in place. How many more children will be poisoned by mercury in their bodies, if Congress continues to delay or eliminate safeguards ensuring health safety?

In 1990, Congress recognized the harm posed by these pollutants and took appropriate action. Now it is time for us to finally implement them and protect the health of all Americans.

Mr. HATCH. Madam President, I rise today as a signer of the discharge petition for S.J. Res. 37, the Congressional Review Act resolution of disapproval for the Environmental Protection Agency's Utility MACT rule. I support this measure with all my heart.

I urge my colleagues and my fellow citizens who are listening to this debate today to recognize that the EPA's Utility MACT rule is not just about curtailing mercury emissions from powerplants. At the heart of the Utility MACT rule is an effort to shut down our Nation's coal-mines and coal-fired powerplants. When President Obama was a United States Senator, he was the deciding vote on the Senate Environment and Public Works Committee to kill the Clear Skies bill which would have reduced mercury emissions in the United States by 70 percent.

Let's be clear about why the liberals on that committee voted against this mercury reduction measure. They did so because they wanted to hold that issue aside and use it to help pass a nationwide climate bill, the biggest anticoal legislation ever considered by Congress. In other words, killing coal mining jobs and shutting down coal-fired powerplants took priority over real and significant reductions in mercury emissions and any health benefits that would have come with those reductions.

The EPA's Utility MACT rule was carefully written to ensure that most of its mercury reductions will come from the forced shutdown of coal mines and coal-fired powerplants. It is evident that the rule is not written to allow noncompliant powerplants to remain open.

The fact is that today's vote does not stop the EPA from regulating mercury from coal-fired powerplants. But it would strip out the obvious anticoal agenda that is the heart and soul of the current Utility MACT rule. The costs of this rule outweigh the benefits by 1,600 to 1. If ever there were an EPA rule that needed to be sent back to the drawing board, this one is it.

Americans know what is at stake with today's resolution. If the EPA's rule is allowed to go forward, it jeopardizes our Nation's most affordable, abundant, and dependable domestic source of electricity. We hear a lot from the President and his allies about the scourge of inequality and the need for a more progressive economic system.

It is hard to take them seriously when you look at their support for this EPA regulation. Regulations such as these are incredibly regressive. This regulation will increase the cost of energy. That might not mean a great deal to the folks who are financing President Obama's reelection, but to low- and middle-income citizens, increased energy costs hit family budgets hard.

And it will undermine jobs. Anyone who claims to care about job creation, while at the same time supporting this regulation, has to answer a few questions. Americans are tired of lipservice when it comes to job creation. They are tired of having a job creation agenda taking a back seat to the agenda of lifestyle liberals.

They want Congress and the President to be serious about creating jobs and keeping our Nation competitive in a global economy. This regulation not only threatens jobs at coal mines and powerplants.

Much more is at stake. We are talking about a threat to the millions of jobs that are created when we as a nation enjoy the abundant affordable energy that allows us, America, to compete against our aggressive international rivals.

Let me remind my colleagues on the other side of this issue about the success of my own State of Utah. For 2 years running, Forbes magazine has listed Utah as the best State for business and jobs. Utah is a grand success story, and national policymakers should look to it for answers. Why is Utah creating jobs, while many areas of the United States are losing them? Well, there are a number of factors, but a very big one is that we are a very competitive State. After comparing the cost of doing business in other States, more and more companies are moving to Utah. A key factor in that decision is Utah's very low cost of energy. The State ranks fourth in the Nation for low cost industrial energy rates. I am aware of a number of instances where this has been a deciding factor when a major business decides to relocate to Utah. In almost every case, the States these companies are moving away from have high industrial energy rates. And, yes, about 70 percent of Utah's power comes from clean, efficient, coal-fired powerplants.

It is obvious that many of my colleagues on the other side of this issue just cannot grasp this truth; but the fact of the matter is that competiveness is critical to economic growth and job creation. It should come as no surprise that President Obama's hundreds of anti-energy efforts have failed to grow jobs in this country.

I urge my colleagues to look to my State of Utah as a model for success. We need to get off the road toward the nanny State. How bad does the European model have to get before we wake up and recognize that we want nothing to do with that type of big government failure. America is great because we have relied on the fundamentals of a free people living in a free market. And underlying our vibrant and free economy is consistently affordable energy. Affordable energy is the lifeblood of a healthy economy and always has been. I urge my colleagues to protect these fundamentals and send this Utility MACT rule back to the EPA for a major rewrite.

Mr. UDALL of Colorado. Madam President, I rise today to urge my colleagues to oppose S.J. Res. 37, a resolution of disapproval of the Mercury and Air Toxics Standards, offered by Senator INHOFE. The Senator from Oklahoma is a powerful advocate for his point of view, but I respectfully disagree that we do not need to control the emission of mercury and other toxics into our air.

This vote is one in a continuous drumbeat of attacks on environmental rules we have seen of late. It is unfortunate that some of my colleagues are attacking clean air and water rules with such fervor, especially in the name of economic recovery. When it comes to putting America back on firm economic footing, we should be working towards a comprehensive budget solution that shows the American people and the world that Congress can still function in the face of major challenges rather than with attacks on the Environmental Protection Agency.

Yet so often we hear vague, catch-all criticisms that upcoming EPA rules—real or imagined—will create uncertainty in the regulated community, impeding economic recovery. The irony is that attacks that seek to delay or remand EPA rules only exacerbate and prolong regulatory uncertainty.

Also, recall that Congress directed EPA in the Clean Air Act more than 20 years ago to develop many of the rules the agency is currently working on. That is the case with the Mercury and Air Toxics Standards. Many other rules are coming about as a result of court orders. So, put simply, EPA is doing its job.

To be sure, Congress also has a job to do when it comes to oversight of administration rules. For instance, I have been and will continue to work with EPA to make sure EPA actions respect the realities of life in rural and arid communities. This is especially important when it comes to regulations impacting Colorado water users and our farmers and ranchers.

However, wholesale assault on an agency whose mission is to protect

human health and the environment is neither a recipe for economic recovery nor a path to fostering healthier communities within which our families and neighbors live.

Let me turn specifically to the resolution of disapproval offered by Senator INHOFE.

Many of my colleagues have described on the Senate floor the various health benefits of the rule. I would like to associate myself with their remarks, because the health benefits of controlling mercury emissions are remarkable: as many as 11,000 fewer premature deaths each year; 130,000 fewer cases of childhood asthma each year; and 4,700 fewer heart attacks each year just to name a few.

But I want to add two other aspects to the debate. One, clean air and water are good for our economy.

In Colorado, for example, outdoor recreation and tourism make up the second largest sector of our economy. Coloradans enjoy skiing, hiking, hunting, angling, camping, boating and many other outdoor activities, and many Americans come to Colorado for these experiences. Our outdoor recreation economy contributes $10 billion a year to the State's economy and supports over 100,000 Colorado jobs.

This isn't limited to Colorado. Nationally, the outdoor recreation economy is worth $646 billion, supporting 6.1 million jobs.

Clean air and water are an integral part of the national outdoor recreation system. It can not function if our children are too sick to come outside to play or our waters are too polluted to fish.

Two, investing in our infrastructure through modern pollution controls is how we ensure long-term economic recovery.

ADA-Environmental Solutions is a company in Highlands Ranch, CO. ADA-Environmental Solutions is the leading producer of mercury control equipment for utilities across the country. Part of their mission is to ''sustain the viability of coal'' through the development of technologies that ''reduce emissions, increase efficiency and improve the competitive position'' of their customers.

As the Mercury and Air Toxics Standards go into effect, many utilities will upgrade their facilities with modern pollution controls. It may surprise some of my constituents in Colorado to learn that some of these plants have been operating without pollution controls for 40 years or more.

Those upgrades will be installed by Americans and provided by companies like ADA-Environmental Solutions. Those upgrades represent an investment in American jobs and a modern utility infrastructure.

In summary, clean air and water do not come at the expense of our economy. Rather, a healthy environment and a healthy economy go hand-in-hand.

Putting safeguards in place on the largest source of mercury emissions in the United States is long overdue. That is why I will be opposing S.J. Res. 37 today, and I urge my colleagues to do the same.

Mr. DURBIN. Madam President, in 1970, smoke stacks towered above cities and towns spewing black clouds of toxic pollution into the air.

Sights like these outraged Americans—however, at that time there was no legal way to force these companies to stop polluting the environment.

In response to these atrocities, Congress did two things in 1970:

First, Congress created the Environmental Protection Agency to defend our natural resources and force polluters to clean up their factories and plants.

And second, Congress passed the Clean Air Act with overwhelming bipartisan support to help ensure that all Americans could breathe clean air, free from toxic chemicals.

In the 40 years since, Republicans and Democrats have worked together in Congress to protect the health of America's families from the country's biggest polluters.

But this week in the Senate, we will vote on a provision that threatens to destroy all that progress by rolling back a critical environmental and health regulation.

Senator INHOFE has introduced a resolution that would prevent the EPA from enforcing the first national standard to regulate the emission of mercury and air toxins from power plants.

Until now, there had been no Federal standards that required power plants to limit their emission of mercury, arsenic, chromium, and acid gases. And so their pollution went unchecked.

This led to power plants becoming the single largest source of mercury in the United States. Power plants are currently responsible for 50% of the mercury, 62% of the arsenic, and over 75% of the acid gases emitted in this country every year.

These are deadly chemicals. Mercury is a potent neurotoxin that can hinder brain development and the central nervous systems of children, even while in their mother's womb.

And the heavy metals and acids emitted by power plants can cause various cancers and respiratory, neurological, developmental, and reproductive problems.

So the idea that we should allow power plants to continue to pump hundreds of thousands of tons of dangerous pollution into the environment instead of adding any of the readily available pollution controls is completely outrageous.

The harmful, toxic chemical emissions from these plants must be stopped and that is what the EPA's new Mercury and Air Toxics Standards, or MATS as they are called, does.

When implemented, the new standards will reduce mercury and acid gas emissions from power plants by almost 90%.

These reductions will save billions of dollars in public health spending each year by avoiding thousands of cases of premature deaths, aggravated asthma, and heart attacks.

In fact, every dollar spent to reduce pollution emission under the MATS rule will result in $3–$9 of health benefits.

In my state of Illinois alone, the MATS rule will save $4.7 billion and prevent an estimated 570 premature adult deaths in the next four years.

That might be why recent polling shows that 77% of Americans support the MATS rule and the reductions in air pollution that it will achieve.

However, Senator INHOFE wants to prevent these critical standards from being enforced—claiming that they are too strict and that companies have not had enough time to prepare.

But, Mr. President, this new rule didn't come out of nowhere.

Energy companies have known for more than 20 years, since the last major changes to the Clean Air Act in 1990, that new air pollution-control rules were coming and that the new rules would require them to reduce their toxic emissions.

That is why many power plants have already made the changes necessary to comply with the new rules by installing scrubbers and other air pollution-control technologies.

However, instead of investing in these available control technologies, some companies did little or nothing over the past decades to improve their old, inefficient plants.

And now these same companies state that it would be impossible for them to comply with the MAT standards without massive job losses and blackouts across the electricity grid. The facts suggest otherwise.

According to the Environmental Policy Institute, the EPA's new standards are expected to create approximately 8,000 jobs in the utility industry and an additional 80,500 jobs from investments in pollution control equipment by 2015. And the majority of these jobs will be in the construction and labor industries.

Mike Morris is chief executive of American Electric Power, a utility with multiple coal-fired plants. He said, ''We have to hire plumbers, electricians, [and] painters when you retrofit a plant. Jobs are created in the process—no question about that.''

In fact, the MATS rule is expected to add a net 117,000 jobs to the economy overall. So to say that we can't create jobs without allowing dangerous levels of toxic chemicals into the air we breathe is simply wrong. And multiple Federal agencies and third parties—including the non-partisan Congressional Research Service, the Department of Energy, and the Bipartisan Policy Center—have stated that full implementation of the MAT Standards will not cause any reliability concerns for the power grid.

EPA is working closely with the Department of Energy, the Federal Energy Regulatory Commission, State

utility regulators, and the North American Electric Reliability Corporation, to ensure there will be no issues with the electrical grid.

So it seems that we can have clean air and keep the lights on, while simultaneously creating thousands of new jobs.

We don't have to make the false choice between ensuring clean air and job creation—we can do both.

The bottom line is that acid gases and heavy metals are causing serious health problems, especially in our most vulnerable populations—children and pregnant mothers.

The EPA Mercury and Air Toxics Standards will require power plants to cut their emissions of these harmful chemicals by using readily available technology.

Many plants across the country have already proved that the standards can be met while creating jobs and keeping the lights on and businesses running.

So it's time for Republicans and Democrats to once again come together to protect the health of Americans families and ensure that everyone has access to clean air.

Therefore, I urge my colleagues to vote 'no' on the motion to proceed to Senator INHOFE's resolution.

Mrs. BOXER. Madam President, how much time remains?

The ACTING PRESIDENT pro tempore. The Republicans have 3 minutes 47 seconds, and the majority has 12 minutes 45 seconds.

Mrs. BOXER. I would take 6 minutes and retain the balance.

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

Mrs. BOXER. Madam President, we are faced with a resolution today to essentially repeal something that has been 20 years in the making and is about to go into effect. It would stop the EPA, the Environmental Protection Agency, from implementing the first-ever national mercury and air toxics standards for powerplants.

A little bit later I will talk about what mercury does to people. Let me assure you, it is not good. I will also talk about the other toxics that are emitted from these dirty plants. They are not good either. When I mention them, just the names will scare us because they are names such as arsenic and formaldehyde—not good. They are going into our lungs. The mercury is getting into fish. People are getting sick. That is why this is such a dangerous moment if we were to pass this and stop the EPA from doing this.

We know that for every $3 we invest—every $1 to $3—we are going to get back $9 in health benefits. If we do the math and we follow the math, it is clear this is cost-effective and critically important.

Ask a parent who has a child who is rushed to the emergency room with asthma whether they want this done. Ask a coal-fired utility that has made these improvements already—half of them have—and they will tell us there has been hardly any impact on electricity prices, and they are happy with them.

If this resolution were to pass and the policy behind it were to pass, it means that instead of rewarding those coal-fired utilities that are doing the right thing, we are rewarding those that haven't done the right thing and continue to spew forth these toxins.

What is at stake? I ask rhetorically of people who may be listening to this: Whom do we trust more, Senators and politicians or physicians and nurses? I think we should trust these numbers from the professionals who have looked at this issue. If this resolution were to pass and EPA is blocked from implementing this new clean air standard, we will see up to 11,000 additional premature deaths, 4,700 heart attacks, 130,000 cases of childhood asthma, 6,300 cases of acute bronchitis among children, 5,700 emergency room visits, and 540,000 days of missed work. Again, the rule provides $3 to $9 in benefits for every $1 that is invested.

We are going to hear other arguments from the opponents of the Environmental Protection Agency, but the people of America are smart. They were asked just 2 months ago if they want us to interfere with the Environmental Protection Agency as they clean up the air, clean up the mercury, clean up the toxic soot, and 78 percent said: Stay out of it, politicians, and let the Environmental Protection Agency do its job.

We should thank the coal companies that have already cleaned up their act and not reward those that have delayed cleaning up their act.

Again, we will hear all kinds of horror stories. Ask the utilities that have made these improvements. We have a list of them somewhere.

We will also hear there will be lost jobs from this rule. We know there will be 46,000 short-term construction jobs as these plants become clean and 8,000 long-term jobs.

Now look at the utilities that oppose the Inhofe CRA. They include Austin Energy, Avista Corporation, Calpine Corporation, Constellation Energy, Exelon, National Grid, NextEra Energy, NYPA, Public Service Enterprise Group, and Seattle City Light. Some of these have coal-fired powerplants. They say: What are we doing? Let's keep moving toward clean energy.

I asked if we trust politicians or do we trust those who, I believe, are unquestionably character witnesses in this debate. Let's look at some of them that oppose what Senator INHOFE is trying to do today. The Catholic Health Association of the United States, Evangelical Environmental Network, Franciscan Action Network, General Baptist Convention, General Conference of American Rabbis, National Council of Churches, United Church of Christ Justice and Witness Ministries, United Methodist Church, U.S. Conference of Catholic Bishops. They oppose what my friends on the other side are leading us to today, a repeal of clean air rules.

Whom do we trust, the politicians or some of these groups that strongly oppose this resolution—the American Academy of Pediatrics, the American Association of Respiratory Care, the American Heart Association, the Lung Association, the Nurses Association, the Public Health Association, the March of Dimes, the Physicians for Social Responsibility, and Trust for America's Health.

The ACTING PRESIDENT pro tempore. The Senator has consumed 6 minutes.

Mrs. BOXER. I ask unanimous consent for 2 additional minutes, and then I will yield and retain the balance.

Here is the chart I wished to show on utility prices. We have heard doom and gloom. Here are the facts. There was hardly any fluctuation in utility rates when half the coal-fired plants made these improvements.

Do not fall for scare tactics because we know upgrading a utility is something that has to be done. It is built into the long-term plans of these utilities.

What poisonous emissions does this clean air rule address? I talked about it before. In the balance of my time I will go through it again, but I am going to just name these toxins: mercury and lead, arsenic, selenium, cadmium, chromium, benzene, formaldehyde, acid gases, and toxic soot. All we need do is listen to what I said and we know we don't want to breathe them in and we don't want to have fish that contain too much mercury because it damages the nervous system in children and harms the brains of infants. We know how dangerous it is for pregnant women and children to eat this type of fish.

Last night, we had Senator WHITEHOUSE here from Rhode Island, and he was eloquent on the point. He had a picture, which was actually a Norman Rockwell painting—it wasn't a real painting, it was a wonderful poster. He said: Here is a perfect American scene of a grandpa taking a grandson fishing. He said that today, in his State, they can't eat the fish. Maybe they can once a month eat one fish, and in some of their lakes, they can't even eat any.

This is wrong. This is pollution blowing from other places into the Northeast. Let's defeat this resolution. It is bad for the people of this country.

I yield the floor and retain the balance of my time.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. INHOFE. The question was asked by the Senator from California: Whom do we trust most, elected Senators or unelected bureaucrats?

I yield 3 minutes to the Senator from Kentucky.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky.

Mr. PAUL. The question is, Is pollution getting better or worse? With all

the hysteria, one would think: My goodness. Pollution is getting so much worse. All measurements of pollution show we are doing a good job and much better than we have ever done. Most of the emissions—the big emissions, sulfur dioxide and nitrous oxide—have been going down for decades. We are doing a good job with pollution.

This rule is about mercury. Powerplants emit this much of the mercury, as shown on this chart. Do my colleagues know that over half the mercury comes from natural sources? Forest fires emit more mercury than powerplants do. We already have eight regulations at the Federal level on mercury. We have a plethora of regulations at the State level.

The question is, Is mercury getting worse or is mercury lessening? For the last 5 years, the amount of mercury that is being emitted has been cut in half. If we measure mercury in the blood of women and children, it is getting less. If we say: What is a safe level of mercury in the blood, we are below that. If we look at populations who eat nothing but fish, the Seychelles Islands, they have found zero evidence that mercury is hurting any of them. When we look at mercury emissions, they are going down.

So the question is, Are we going to have a balance in our country? Does the other side care whether people work? We can do everything possible to try to eliminate this last 1 percent, but the question is, At what cost? Many are estimating 50,000 people are going to lose their jobs. Do we care if people have a job? Yes. We want to be safe, but there has to be a balancing act.

The question we have to ask is: Is the environment cleaner or worse off? The environment is so much cleaner than it used to be. The rules in place are somewhat balanced and are keeping pollution under control. What we don't want to do is go so far over the top that we lose jobs. This new rule is estimated to lose 50,000 jobs.

I think the American people need to have a say in this. We don't need to give up that power to unelected bureaucrats we can't remove from office. Let's let our representatives get involved to have more of a balance in the regulations.

I suggest we vote in favor of this resolution.

I thank the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. INHOFE. I understand our time has expired. I ask unanimous consent that Senator KYL have 2 minutes.

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

Mr. KYL. Madam President, S.J. Res. 37 is very important.

If passed, this resolution would overturn one of the most costly and unnecessary regulations ever adopted by the EPA. Unless we in Congress act, that regulation, Utility MACT, would establish the first ever ''maximum achievable control technology''—or MACT—standards for ''hazardous air pollutant''—or HAP—emissions from powerplants.

The Clean Air Act only allows the EPA to set MACT standards for HAP emissions if it can establish a hazard to public health that would make such regulatory action ''appropriate and necessary.''

In December 2000, just as a new administration was set to take office, the Clinton EPA, under great pressure from special interests, promulgated a Utility MACT rule based on public health concerns about mercury. The data simply do not support that regulation.

First of all, mercury does not pose health risks via inhalation, but rather only after entering water bodies and accumulating as methylmercury in the aquatic food chain. For humans, the primary route of mercury exposure is through eating fish. Accordingly, the EPA itself has acknowledged uncertainties about the extent of public health risks that can be attributed to electric utility mercury emissions, and it admits that ''there is no quantification of how much of the methylmercury in fish consumed by the U.S. population is due to electricity emissions.

We now know too that the EPA's projections for major increases in mercury emissions from powerplants at the time were grossly inaccurate. The agency estimated that emissions would increase from 46 tons in 1990 to 60 tons in 2010. But, in fact, they actually declined to just 29 tons in 2011—more than 50 percent below the projections—and all without the MACT rule.

Moreover, the studies EPA relied upon about methylmercury exposure in children and women of childbearing age have also been found to have inflated health risks. More recent research undertaken by the CDC indicates that Americans are not being exposed to levels of mercury considered harmful to fetuses, children, or adults. Additionally, both the FDA and the Agency for Toxic Substances and Disease Registry have recommended regulatory levels for mercury that are significantly less stringent than the EPA's reference dose.

With respect to nonmercury hazardous air pollutants—or HAPs—the EPA does not set actual limits for those emissions. Instead, it uses limits for fine particulate matter emissions in the standard as a surrogate for a variety of HAPs under the rule. While EPA calls the benefits associated with reducing particulate matter ''co-benefits'' of establishing the Utility MACT regulation, it has also stated that such reductions are not the primary objective or justification for the rule. If that is the case, then why are more than 99 percent of the rule's claimed health benefits due to projected reductions in particulate matter? I am all for incidental health benefits—it is always nice to get more bang for the buck—but that's simply not what is going on here.

Double-counting the benefits from reducing particulate matter as a Utility MACT benefit is, at best, misleading. Indeed, if 99 percent of the quantified health benefits cited in the rule are not due to reductions in HAPs, can we really call the Utility MACT rule ''appropriate and necessary?''

The EPA is trying to pull a fast one by regulating particulate matter—a non-HAP—under the guise of concern about mercury. The agency already regulates particulate matter emissions under the Clean Air Act, and it has been doing so for 15 years. If it believes there are benefits to further reducing particulate matter emissions, it already has the power to do so; adopting S.J. Res. 37 would not prevent such EPA action.

Once the coincidental co-benefits from reducing particulate matter—estimated to be $33 billion to $89 billion, or $3 to $9 in health benefits for every dollar of cost—are excluded from Utility MACT, the EPA's own cost benefit analysis demonstrates that the health benefits of the rule are far outweighed by its costs. The EPA estimates that implementing the Utility MACT rule would cost $9.6 billion in 2016, and that reductions in mercury emissions would provide just $0.5 to 6 million in health benefits in the same year. This means that, even in the best case scenario, the cost of Utility MACT will exceed its estimated benefits by a factor of 1,600 to 1.

Sixteen hundred to one.

The cumulative costs and consequences of this and other EPA regulations are both real and substantial. Final and pending EPA regulations will reduce the diversity of America's energy portfolio, increase energy prices, eliminate jobs, and threaten electric reliability.

With regard to our energy portfolio, we are already seeing negative effects. Coal's share of electric power generation recently dropped to just 34 percent, the lowest level we have seen since the 1970s. As a result, utility companies have already announced plans to shut down more than 25,000 megawatts of electricity rather than upgrade plants with costly new emissions control technology. These changes in our energy portfolio are just the tip of the iceberg. The North American Electric Reliability Corporation—or NERC—estimates that EPA regulations will lead to an additional retirement of 36,000 to 59,000 megawatts of electricity generation. The Federal Energy Regulatory Commission's Office of Electric Reliability has stated that EPA regulations would likely shutter 81,000 megawatts.

These plant closure predictions from nonpartisan reliability organizations are 8 times higher than EPA's estimates of just 10,000 megawatts. The closures caused by EPA regulations will not just affect our energy mix—they will also affect grid reliability.

NERC has said that EPA regulations pose the No. 1 threat to grid reliability.

But these reliability organizations are not the only ones concerned about the EPA's effect on coal and coal power generation. Earlier this month, Moody's changed its outlook on the coal industry to ''negative,'' largely blaming the EPA for the downgrade. As Moody's put it in a statement:

> A regulatory environment that puts coal at a disadvantage along with low natural gas prices, have led many utilities to increase or accelerate their scheduled coal plant retirements.

It continued:

> In addition, newly proposed carbon dioxide regulations would effectively prohibit new coal plants by requiring new projects to adopt technology that is not yet economically feasible.

I have witnessed the EPA's attempts to reshape the energy industry through regulation in my home State.

Arizona relies on coal-fired power for its base-load electricity. Coal mining and plant operations are an important employer and economic engine for Arizonans and, specifically, for our Indian Tribes. As just one example, take the Navajo Generating Station—or NGS—a 2,250-megawatt facility located on the Navajo Nation's reservation.

The NGS was constructed as part of a negotiated settlement with environmental interests that, at the time, preferred a coal-fired powerplant to a hydropower dam project in the Grand Canyon. It provides more than 90 percent of the pumping power for the Central Arizona Project, Arizona's primary water delivery system. The plant and the coal mined to operate it play a vital role in the economies of the Navajo Nation and the Hopi Tribe, not to mention the State as a whole. A study prepared by Arizona State University's Seidman Institute concluded that the NGS and its associated mine will account for over $20 billion in gross State product—GSP—almost $680 million in adjusted State tax revenues, and more than 3,000 jobs.

Yet, the station's future viability is now directly threatened by Utility MACT and other pending EPA regulations. Right now, the EPA is undertaking an NGS-specific rulemaking to determine whether additional emissions control technologies should be installed at the station for purely aesthetic visibility reasons, rather than actual health concerns. That rulemaking could require the installation of emissions controls at a cost of more than $1.1 billion.

That is just one power station—just one—$1.1 billion. And we don't even know yet what the estimated cost of compliance with Utility MACT might be.

Steve Etsitty, executive director of the Navajo Nation EPA, said this about EPA's regulatory approach:

> EPA's one size fits all' approach to rulemaking fails to acknowledge or address the specific concerns and impacts to the Navajo Nation, as well as regional impacts. Making matters worse, EPA's uncoordinated approach to rulemakings impacting the same industries creates regulatory uncertainty, increases compliance costs, and puts at substantial risk the national and regional economies, critical jobs of Navajo people, and the very viability of the Navajo government.

I couldn't agree more.

The consequences of a shutdown of the Navajo Generating Station would be felt throughout the State, and even by the Federal Government. However, a shutdown would most acutely impact Indian tribes, whose economies and access to affordable water are highly dependent on the NGS.

Thus, the consequences of the EPA's regulatory war on coal go far beyond the coal industry itself. Real people in my State and across the country will pay the price.

That is why I urge my colleagues to support the resolution before us today. I am all for clean air. I don't know a single colleague who would take the opposite view. And I can assure my friends on the other side of the aisle that we are firmly antimercury contamination as well. But that is not really the question here.

It is not a matter of clean air versus dirty air, or mercury contamination versus no mercury contamination. These are false choicest. We can have clean air and a healthy economy. We can reduce mercury levels and reduce unemployment. But we have to be smart about how we regulate.

Utility MACT is simply a bad regulation. It is refuted by the very science used to justify its promulgation. Moreover, its economic effects would be negative and far-reaching, while its estimated benefits would be minimal and hardly worth the significant costs. And it would make domestic energy generation more difficult at a time of rising energy demand.

With growing unemployment, huge deficits, and anemic growth, this is also the wrong time to be whacking our economy with one of the most expensive and far-reaching regulations ever to come from the EPA.

We have to be smart about this, and Utility MACT is just not a smart regulation.

I urge my colleagues to support S.J. Res. 37 and help overturn this misguided, job-killing rule.

Again, I will simply say at this point that adopting this resolution is very important to prevent the implementation of a regulation which I think has very clearly been established. It does not meet the test that would be required for the promulgation of a public health regulation and fails any test of cost-benefit analysis.

Therefore, I urge my colleagues to think about the effect on the industry, on the people of America, on the economy at this time, and adopt the resolution offered by the Senator from Oklahoma.

Mr. INHOFE. Madam President, I understand there is 1 minute remaining, so let me just clarify a couple things.

First of all, several have made comments about the Clean Air Act. I was supportive of the Clean Air Act. It has done a great job, and I think that should be clarified.

We have had three medical doctors testify as to the health implications on this.

I would only say this: If we are truly concerned about what is happening, keep in mind what the Senator from Alaska, Ms. MURKOWSKI, said. The maximum achievable control technology is not there. So if we vote against this amendment and they allow this rule to continue, we are effectively killing coal in America that has accounted for almost 50 percent of our industry.

I thank the Chair.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. BOXER. Am I correct that there is 4 minutes remaining on my side?

The ACTING PRESIDENT pro tempore. That is correct.

Mrs. BOXER. I yield 1 of those minutes to Senator PRYOR.

The ACTING PRESIDENT pro tempore. The Senator from Arkansas.

Mr. PRYOR. I thank the Senator from California.

Right now, when we open the paper and when we turn on the evening news, we see these ads for clean coal. We need clean coal. We are akin to the Saudi Arabia of coal. They say we have 400 years' worth of coal supply in this country. We have the technology now to take 90 percent of the mercury out and a lot of the particulates and we should do it. This is our chance to do it.

This is a rule that has been 20 years in the making. This is not something people dreamed up over the last couple years. This has been 20 years in the making, and Congress has mandated we do this.

I would say this in my part of the closing: We should not have to make a false choice. We don't have to be anticoal and prohealth. We can be both. We can do what is good for the health of the country and good for coal; that is, have clean coal, uphold this rule, and vote against the Inhofe resolution.

I thank the Chair.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. BOXER. Madam President, the Senator from Oklahoma said I asked: Whom do we trust more, politicians or bureaucrats? No; that is not what I said. I said: Whom do we trust more, politicians or groups such as the American Academy of Pediatrics, the American Association of Respiratory Care, the American Heart Association, the Lung Association, the nurses, the March of Dimes, et cetera. I believe that when it comes to the trust of the public, these groups have one concern and that concern is the health of our people. That is why we have to defeat this resolution and allow the Environmental Protection Agency, after 20 years, to finally promulgate a rule that

will go after the worst toxins that are coming out of coal-fired plants.

I will go through a few of these. Mercury is a heavy metal that can damage the nervous system in children and harm the brain of infants, causing slower mental development and lower intelligence. Why do we want to take a stand against the children and their brain development? Mercury can accumulate in the food chain. We know this. What happens is people—especially pregnant women and children—can't eat fish because of the high content of mercury.

Then there is lead. These are the things we are talking about getting out of the air. Lead can damage the nervous system of children and harm the brains of infants, causing slower mental development and lower intelligence.

There is no known safe level of lead in the blood of children. This is indisputable fact. It can harm the kidneys and cause high blood pressure, damage reproduction, cause muscle and joint pain, nerve disorders. Why would anyone—why would anyone stand on this floor and say it is OK to allow these toxins to be polluting our environment? Arsenic is a heavy metal that causes cancer, damages the nervous system, kidneys, and liver. Powerplants account for 62 percent of all the arsenic pollution we are fighting against. Why would anyone who cares about the people they represent vote for this resolution and stop the EPA from cleaning up our air?

Vote no. There is no reason to risk the health of the American people by voting for the utility CRA resolution. If the resolution passes and if that resolution were to become the policy of this country, thousands—hundreds of thousands of Americans every year would be harmed. This is not rhetoric, this is fact. Scientists have told us this. The health groups have told us this.

I urge a strong ''no'' vote.

I yield the floor.

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

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 46, nays 53, as follows:

[Rollcall Vote No. 139 Leg.]

YEAS—46

Barrasso	Coats	Crapo
Blunt	Coburn	DeMint
Boozman	Cochran	Enzi
Burr	Corker	Graham
Chambliss	Cornyn	Grassley
Hatch	Lugar	Rubio
Heller	Manchin	Sessions
Hoeven	McCain	Shelby
Hutchison	McConnell	Thune
Inhofe	Moran	Toomey
Isakson	Murkowski	Vitter
Johanns	Nelson (NE)	Warner
Johnson (WI)	Paul	Webb
Kyl	Portman	Wicker
Landrieu	Risch	
Lee	Roberts	

NAYS—53

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

NOT VOTING—1

Kirk

The motion was rejected.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Madam President, if I could have the attention of the Senate, we did very well yesterday. We have a lot to do. We have to work on this. We have flood insurance. Both are important issues.

This is going to be a 10-minute vote. The order that has been entered is that all the remaining votes are 10 minutes. We had a 15-minute vote on the first one. I know there are a lot of things going on today, but we are going to have to work around them. That is the most important part of our job—voting. So let's work. Let's try to get out of here. We are going to try to finish this bill tonight.

AGRICULTURE REFORM, FOOD, AND JOBS ACT OF 2012

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 3240, which the clerk will report by title.

The assistant legislative clerk read as follows:

A bill (S. 3240) to reauthorize agricultural programs through 2017, and for other purposes.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia.

AMENDMENT NO. 2345

Mr. MANCHIN. Madam President, I call up amendment No. 2345.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. MANCHIN] proposes an amendment numbered 2345.

Mr. MANCHIN. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To require national dietary guidelines for pregnant women and children from birth until the age of 2)

On page 361, between lines 8 and 9, insert the following:

SEC. 4208. DIETARY GUIDELINES FOR AMERICANS.

Section 301(a) of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341(a)) is amended by adding at the end the following:

''(3) PREGNANT WOMEN AND YOUNG CHILDREN.—Not later than the 2020 report and in each report thereafter, the Secretaries shall include national nutritional and dietary information and guidelines for pregnant women and children from birth until the age of 2.''.

The ACTING PRESIDENT pro tempore. There will be 2 minutes of debate equally divided, 1 minute for each side.

Mr. MANCHIN. Madam President, I do not believe there is opposition to this amendment. I urge my colleagues to support this bipartisan, commonsense amendment that will address a very urgent need in this country: helping our children develop healthy eating habits at a very young age.

I wish to thank my cosponsor, Senator KELLY AYOTTE from New Hampshire, for working with me on this amendment. All this does is require the Department of Health and Human Services and the Department of Agriculture to develop, implement, and promote national dietary guidelines for pregnant women and for children up to 2. It is the only segment we have not done. If you are 2 years of age or older, we do it. We try to tell you how to stay healthy, what you should eat, what you should feed your child. This basically fills in the gap for woman from when they become pregnant until 2 years of age.

I urge support of this amendment.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Ms. STABENOW. Madam President, I yield back all time. It is my understanding that we can proceed with a voice vote on this amendment.

The ACTING PRESIDENT pro tempore. Without objection, all time is yielded back.

The question is on agreeing to the amendment.

The amendment (No. 2345) was agreed to.

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

AMENDMENT NO. 2382

Mr. MERKLEY. Madam President, I call up my amendment No. 2382.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oregon [Mr. MERKLEY] proposes an amendment numbered 2382.

The amendment is as follows: