United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, SECOND SESSION

Vol. 156 WASHINGTON, THURSDAY, JUNE 10, 2010 *No. 87*

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

PRAYER

The PRESIDING OFFICER. Today's prayer will be offered by our guest Chaplain, Rev. Dr. Joseph Castleberry, president of Northwest University, in Kirkland, WA.

The guest Chaplain offered the following prayer:

Let us pray.

''Our Father who art in heaven, hallowed be Thy Name. Thy Kingdom come, Thy will be done, on Earth as it is in heaven.'' As our founding mothers and fathers prayed before us, we ask again that You would make America a shining city on a hill. Make our land a beacon to all the world of the sacred values Your Kingly rule has taught us. Turn our hearts anew toward You, and let righteousness exalt our Nation. Pour out Your Spirit upon us, and hasten the day when peace will reign in the Kingdom.

Protect our military personnel around the world with Your strong hand and heal those who are wounded. Bless their families with the soothing touch of Your presence.

Bless these Senators and their staffs today with love and friendship, health and strength, wisdom and prudence, holiness and hope. Let them feel Your presence in the godly work of justice with which we have charged them. Let the cherished ideals of our Nation rule their deliberations this day and always.

We pray these things in the Name of the King of Kings and Lord of Lords. Amen.

PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 10, 2010.

To the Senate:

Under the provisions of Rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

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

ORDER OF PROCEDURE

Mr. REID. Madam President, I ask unanimous consent that the Senator from Washington, Mrs. MURRAY, be recognized for whatever time she may take. Following that, I will announce the schedule for today and give an opening statement. We will see if at that time Senator MCCONNELL will be here to give a statement.

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

The Senator from Washington.

THE GUEST CHAPLAIN

Mrs. MURRAY. Madam President, I am delighted to be here today to welcome our guest Chaplain, Dr. Joseph Castleberry, to the Senate. Dr. Castleberry is president of Northwest University in Kirkland, a town not far from where I grew up in Bothell, WA.

Northwest is a Christian university comprised of six schools and colleges, including arts and sciences, business education, nursing, social and behavioral sciences, and ministry. The university offers about 50 undergraduate programs, eight master's degree programs, and a doctor of psychology program.

The school prides itself on its three core values of spiritual vitality, academic excellence, and empowered engagement.

Dr. Castleberry is an ordained minister in the Assemblies of God, the university's sponsoring denomination. His distinguished career has focused on both faith and education. He earned a bachelor of arts degree from Evangel University in 1983, a master of divinity degree from Princeton Theological Seminary in 1988, and a doctor of education degree in international educational development from Teachers College, Columbia University, in 1999.

In addition to that impressive background, Dr. Castleberry has a wide array of experience as a missionary, educator, and pastor. For over two decades, in fact, he served communities throughout Central and South America where he was involved in education, church planning, and community development.

Dr. Castleberry is the founder of the Freedom Valley Project. It is a community development ministry among African-American people of Ecuador's Chota Valley region. He is active in a number of academic and cultural programs devoted to furthering interreligious understanding and dialog.

Dr. Castleberry and his wife Kathleen have three daughters—Jessica, Jodie, and Sophie. I was also very amazed to learn that he speaks a remarkable 10 languages.

I am very pleased Dr. Castleberry could join us in the Senate today. I thank him for his service to the students and faculty at Northwest University, as well as his dedication to helping communities around the world.

I also thank Senate Chaplain Dr. Black for inviting Dr. Castleberry to deliver the opening prayer for the Senate this morning.

I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader.

SCHEDULE

Mr. REID. Madam President, today at a quarter to 10, the Republican leader or his designee will make a motion to proceed to S.J. Res. 26, which is a joint resolution of disapproval of a rule submitted by EPA relating to the endangerment findings and the cause or contributing findings for greenhouse gases. There will be up to 6 hours of debate equally divided between Senators MURKOWSKI and BOXER or their designees, with the controlled time alternating in 30-minute blocks, with Senator MURKOWSKI controlling the first 30 minutes. If all time is used, the vote on the motion to proceed will occur at 3:45 p.m. If the motion to proceed is agreed to, there will be an additional 1 hour of debate on the joint resolution prior to a vote on passage of the joint resolution.

As I indicated yesterday, there will be no rollcall votes tomorrow or Monday, June 14.

EPA RULE

Mr. REID. Madam President, the Murkowski resolution, which we will take up soon, will increase pollution, increase our dependence on foreign oil, and stall our efforts to create jobs and, in so doing, stall our efforts to move to a clean energy economy.

This resolution does nothing to create jobs in Nevada or anyplace else in our country. It does create jobs in places from where we are importing oil—the Middle East, Venezuela, places such as that—but not in our country.

In fact, this resolution will damage the certainty and clarity that businesses want to invest in innovative and job-creating technologies that reduce pollution. This includes clean renewable power using the Sun, the wind, and geothermal energy.

This resolution is not going to help bring us closer to providing more incentives for the production or use of clean-burning natural gas. This resolution is not going to help provide funding for Nevadans or Alaskans or any other State to cope with and adapt to a changing and increasingly unfriendly climate.

Forcing this vote seems to be a largely partisan political ploy designed to divide Democrats and Republicans and to pander to the dirty, just-say-no crowd. They want business as usual with no limits on their ability to pollute.

The White House has made it clear that the Murkowski resolution would be vetoed if it passes. We all know, in fact, if it does pass and a veto is made, that it would be sustained.

We also know that this resolution is a great big gift to big oil, at least 455 million more barrels of oil would be used, making at least $50 billion extra for the oil companies, and billions more if this resolution were to become law. And most of that oil will come from overseas. We know that.

Is this the kind of business as usual the American people want? Of course not. No, the public wants companies to give them choices of cars, products, and fuels that are less polluting, affordable, and made in America, not from the Persian Gulf, China, or other places.

This resolution is very much a choice about the future of our country. Do we want to return to the days when big oil and their friends, with OPEC's help, decided America's economic destiny or are we going to work together to solve the incredibly difficult problems posed by the way we produce and use energy? Are we going to work together to reduce pollution?

I am convinced that we can pass strong, bipartisan legislation to create jobs, protect the environment, and make a safer and more secure future. But that would require the help of everyone in the Senate to be involved in a constructive engagement, and only a few have stepped forward. I hope that changes soon.

Will the Chair announce the business before the Senate?

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.

RESOLUTION OF OPPOSITION

Mr. MCCONNELL. Madam President, later today, the Senate will vote on an issue of vital importance to every American family and business, and that is whether the Environmental Protection Agency should be allowed to impose a backdoor national energy tax on the American people.

This vote is needed because of the administration's insistence on advancing its goals by any means possible, in this case by going around the legislative branch and imposing this massive, job-killing tax on Americans through an unaccountable Federal agency.

Ironically, just last year, President Obama and EPA Administrator Lisa Jackson took the position that on an issue of this magnitude, which touches every corner of our economy, Congress, not the EPA, should determine how to reduce greenhouse gas emissions. But now that it is clear Congress will not pass this new national energy tax this year, the administration has shifted course and is now trying to get done through the backdoor what they have not been able to get through the front door.

Like the cap-and-trade legislation they would replace, these EPA regulations would raise the price of everything from electricity to gasoline to fertilizer to food on our supermarket shelves. That is why groups representing farmers, builders, manufacturers, small business owners, and the U.S. Chamber of Commerce are so strongly opposed to these EPA regulations and so supportive of the Murkowski resolution to stop them.

These groups know these backdoor moves by EPA will deal a devastating blow to an economy already in rough shape. And so does the President. He said himself that his plan would cause electricity prices for consumers to ''necessarily skyrocket.'' The President himself said this plan would cause prices for consumers to ''necessarily skyrocket.''

At a time of nearly 10-percent unemployment, these new regulations would kill U.S. jobs. According to one estimate, the House cap-and-trade bill would kill more than 2 million U.S. jobs and put American businesses at a disadvantage to their competitors overseas.

Closer to home, these regulations would be especially devastating for States such as Kentucky and other Midwestern coal States. EPA regulations resulting in dramatic energy price increases would jeopardize the livelihoods of the 17,000 miners in our State and an additional 51,000 jobs that depend on coal production and the low cost of electricity that Kentuckians enjoy. That is why in the last few days alone, my office has received more than 1,000 letters, e-mails, and phone calls from Kentuckians opposed to this effort from EPA.

A lot of Kentuckians work hard to ensure that our State has the lowest industrial electricity rate in the Nation, and that is something we are proud of at home.

This bill would lead to a dramatic increase in these electricity rates, punishing businesses both large and small.

But the job losses would not stop there. As I indicated, this backdoor energy tax would be felt on farms as well, where increased energy and fertilizer prices would drive up costs for farmers and livestock producers who do not have the ability to pass on these increases. This would be an especially painful blow to them, and that is why the Farm Bureau and many other farm groups oppose what the EPA is trying to do.

There are many different views in this body on how to reduce greenhouse gas emissions. Some favor the Kerry-

Lieberman cap-and-trade bill, a significant portion of which, by the way, has been pushed by the oil company BP. Many Members on this side of the aisle have proposals they support as well.

One thing we should be able to agree on is that the worst possible outcome is for the unelected bureaucrats at the EPA to unilaterally impose these job-killing regulations. That is why it is my hope that later this afternoon we will vote to stop this blatant power grab by the administration and EPA and pass Senator MURKOWSKI's legislation to stop this backdoor national energy tax dead in its tracks.

This effort by the EPA would be devastating for jobs and an economy that needs them desperately. It is bad for the economy and bad for representative democracy. It should be stopped.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Alaska.

RESOLUTION OF DISAPPROVAL OF EPA RULE—MOTION TO PROCEED

Ms. MURKOWSKI. Madam President, during the Memorial Day recess, we received two pieces of alarming news that should inform the work of every Member in this Chamber. First, we learned the national debt has surpassed $13 trillion in total, and then shortly after that, we learned that nearly all the jobs that were added in May came from temporary census positions. The private sector created just 41,000 jobs last month—many fewer than expected and certainly a far cry from the pace that will allow us to dig out from under this economic recession.

I think we all recognize there is no question that our recovery is still fragile—very much in doubt. It is also quite clear it will take some time for millions of unemployed Americans to find their jobs and get back on their feet again. These tough facts should encourage us to focus on these policies that create jobs, that reduce our debt, and at the same time should encourage us to guard against policies that fail in either or both of those areas.

Madam President, we are here today to debate a policy that works against both of those goals—the Environmental Protection Agency's effort to impose economy-wide climate regulations under the Clean Air Act. The sweeping powers being pursued by the EPA are the worst possible option for reducing greenhouse gas emissions, and there is broad bipartisan agreement that this approach would forgo all of the benefits, all of the protections that are possible through legislation. It would reduce emissions at an unreasonably high cost and through an unnecessarily bureaucratic process. It would amount to an unprecedented power grab, ceding Congress's responsibilities to unelected bureaucrats, and move a very important debate, a critical debate, from our open halls to behind an agency's closed doors.

This approach should have been, could have been taken off the table long ago. Yet because the EPA is determined to move forward aggressively and because neither Congress nor the administration has acted to stop them, it is now in the process of becoming our Nation's de facto energy and climate policy.

Because this is our worst option to reduce emissions and Congress needs time to develop a more appropriate solution, I have introduced a resolution of disapproval—I introduced this back in January—to halt the EPA's regulations. My resolution does not affect the science behind the endangerment finding, but it will prevent the finding from being enforced through economy-wide regulations.

Forty other Senators here in this body have joined me and are cosponsors of this effort. Our resolution has garnered significant support among the American people, and from the day it was introduced, we have had individuals and we have had groups and organizations from all across the country that have expressed their support and their appreciation. It really is a tremendous coalition, a significant coalition from farmers and manufacturers, to small business owners, to fish processors. There are more than 530 stakeholder groups that have endorsed our resolution's passage, and I will tell you, when you look at some of those groups, you would not put them in a category where you would say: Well, this is an entity that is standing up to fight, to push back against the EPA. But I will suggest to you that the broad range of stakeholders is really quite impressive.

Despite that support, I will still be the first to admit that we face an uphill battle. We oppose the EPA's regulations because of their costs, most definitely. But, unfortunately, that seems to be precisely why some Senators have gone out front to support them, hoping these economic costs will be so onerous that it will force us here in the Congress, here in the Senate, to adopt legislation we otherwise wouldn't move to do.

This has been an interesting, sometimes difficult and contentious several months as we have moved forward with this resolution of disapproval. Personal attacks have been directed at supporters of this resolution in an effort, I think, to intimidate others from adding their names.

The EPA Administrator has, somewhat incredibly, suggested our resolution was somehow related to the oil-spill that is ongoing in the gulf. Some have even claimed the resolution is a bailout for the oil companies and are trying to make sure we don't let another crisis go to waste—in other individuals' terms—in their efforts to pass sweeping cap-and-trade measures. I would suggest that the only similarity I see between the spill in the Gulf of Mexico and the EPA's regulations is that both of these are unmitigated disasters. One is happening now; the other one is waiting in the wings if Congress fails to adopt this resolution.

This decision—where we are today here in the Senate debating this resolution of disapproval—ultimately boils down to four substantive factors. The first one is the inappropriateness of the Clean Air Act for reducing greenhouse gas emissions. The second is the likelihood that the courts will strike down the tailoring rule. Then we also have the lack of economic analysis from the EPA, which is stunning—that we do not have a better sense in terms of what the economic impact of these regulations will be. Then finally and certainly above all else is the undisputed fact that climate policy should be written here in Congress. It is not just LISA MURKOWSKI who says that, and it is not just the other 40 Senators who have signed on as cosponsors to this resolution of disapproval; it is everyone from the President, to the Administrator of the EPA, to colleagues on the House side who have said time and time again that it should be the Congress, it should be those of us who are elected Members of this body who set the policy of this country and not the unelected bureaucrats within an agency.

I would like to speak to each of these four factors in a little greater detail, so I will start by examining why the Clean Air Act is such an awful choice for reducing these emissions. I have explained this many times before, so I will reiterate two main points here—first is the way these regulations are carried out.

You have command-and-control directives that are issued by the government that affect every aspect of our lives, rather than market-based decisions made by consumers and businesses. I wish to reinforce that, the fact that these are directives that will impact every aspect of our lives.

When we were debating health care reform here on this floor not too many months ago, it was repeated time and time again that it was so important we get this right because health care reform will impact one-sixth of our economy. Well, I would suggest to you that when we are talking about climate policy, that is something which is going to impact every aspect—100 percent—of our economy.

The system imposed by the EPA will entail millions of permit decisions—millions of permit decisions—by mid-level EPA employees, without effective recourse, and it will leave regulated entities with very little flexibility to comply.

Another reason the Clean Air Act is extremely complicated for reducing greenhouse gas emissions: the Clean Air Act's explicit regulatory thresholds. They absolutely put an exclamation mark on why this law is such a poor choice for addressing climate change.

Under the Clean Air Act, if you emit more than 100 or 250 tons of a pollutant each year, you must acquire a Federal air permit. These relatively low limits

make sense for conventional air pollutants that are emitted in small quantities, but they become wildly problematic when dealing with a substance emitted in huge volumes through nearly every form of commerce, such as carbon dioxide is.

So the question needs to be asked, then, how big is this new regulatory act we are talking about? The EPA recently projected that some 6.1 million sources could be required to obtain new title V operating permits. Under the current regulations, the EPA is dealing with about 15,000. So the EPA would now be charged with moving up dramatically from regulating and issuing about 15,000 title V operating permits to some 6.1 million permits. Whom does this include? It would include millions of residential buildings, small businesses, schools, hospitals, and restaurants found in every town in America.

Over time, the EPA's approach would increase their regulation by an order of magnitude, and the consequences would be just as enormous. And no one is more aware of this very uncomfortable fact than the EPA itself. They know they can't go from the 15,000 permits they currently deal with on an annual basis up to 6.1 million permits. That is why the Agency has attempted to very dramatically increase the threshold for greenhouse gases in its tailoring rule. They are unhappy with the plain language, the very direct language of the Clean Air Act. The Agency plans to lift its limits up to 1,000 times higher than Congress has directed.

So what you have is a situation where the EPA has simply not accepted that the Clean Air Act is not structured for this task, and instead they have attempted to make it so by ignoring the plain language—the plain language that says you have to regulate at 100 or 250 tons per year. They are effectively unilaterally amending the Clean Air Act.

Equally astounding is that by temporarily relieving part of a permitting burden, the EPA is claiming that consumers and businesses—the people who purchase and the people who use the energy—will face no economic impact, which is incredible to believe.

I ask my colleagues to think about the logic behind the tailoring rule. The EPA is asking us to accept that while greenhouse gases are not in the Clean Air Act, the Congress clearly intended them to be regulated under it. At the same time, we are expected to believe that while explicit regulatory thresholds are in the act, Congress meant for the EPA to ignore them. Well, Madam President, I would suggest to you that is a pretty thin read, and it becomes even thinner when you consider the changes that are made between the tailoring rule that was proposed just last year and then the final rulemaking that was issued just last month.

In last year's draft, what you saw was the EPA planning to ratchet down to the Clean Air Act's actual threshold levels—to get down to the 250 tons per year—and to put that into effect over the course of the next 5 years. Now the EPA is suggesting that it may exempt entire sectors and never even reach the statutory limits. Think about it. What happens then? That is when the lawsuits pop up. This is not going to provide the level of certainty I think those in business are seeking. What you will see is lawsuits as some sectors and some sources are regulated while others are not. And I would suggest that difference between the tailoring proposal from last year and where we are now is driven not by the law but by fear of the political backlash out there—the outrage from people all over the country in terms of the negative economic impact to them and their families and their communities.

That is why it is tough to find an impartial legal expert who believes this tailoring rule will actually hold up in court. Consider a speech given last year by Judge David Tatel of the DC Circuit Court of Appeals. This was a speech on how the EPA can avoid being sued over its rulemakings. Judge Tatel said:

> . . . whether or not agencies value neutral principles of administrative law, courts do, and they will strike down agency action that violates those principles—whatever the President's party, however popular the administration, and no matter how advisable the initiative.

Those were the comments from a DC Circuit judge specifically on this issue as to how the EPA avoids lawsuits.

Let me move to the third area of concern I have with EPA moving to regulate in the area of greenhouse gas emissions—the economic consequences of EPA regulation. We have to ask the question: What exactly are those consequences? Believe it or not, at this point in time we still do not know because the EPA has refused to provide projections of the economic impacts. In the various rulemakings out there, the Agency has engaged in something of a shell game. They are either hiding or they are simply not considering the economic cost.

The EPA has also ignored requests from Members of Congress. I have asked them, and other Members of Congress have asked, to conduct this very important analysis, but to this day the Agency still has not provided anything close to a full projection of the economic impact its economy-wide climate regulations will have.

I guess there were a couple of reasons. The EPA either has no cost estimates or they know they are too astronomical to calculate, and they do not want them released. My staff has had numerous briefings with EPA officials, and they have been told essentially that we will not know how much these regulations cost until the best available control technologies are imposed on the regulated entities; that is, until the EPA figures out how to deal with what it signed itself up for.

The problem is, the best available control technologies remain completely undefined at this point. It could mean efficiency improvements, expensive add-on technologies, or even fuel-switching requirements. Over time, the EPA would have very little choice but to impose all of those requirements and more, regardless of the consequences.

Again, it is not hard to find this quite amazing and alarming. We need to be growing our economy not paralyzing it. Everything we do right now within this body should be focused on how we grow our economy, how we grow the jobs from Maine to Alaska and points in between. We know the national unemployment rate remains at almost 10 percent. Private sector job growth is anemic. Yet as millions of Americans are doing everything they can just to find work, bureaucrats in Washington, DC, are contemplating regulations that would destroy these opportunities.

Worse still, the people of our States have no voice in this bureaucratic process. They are on the verge of being subjected to rules, subjected to regulations that will directly impact their lives, their livelihoods, their economic opportunities, without ever having an opportunity to express their concerns through their Representatives in Congress.

That brings me to my final point. Politically accountable Members of the House and the Senate, not unelected bureaucrats, must develop our Nation's energy and climate policies. It is as direct as that. Those policies must be able to pass on their own merits instead of serving as a defense against ill-considered regulations.

I have said this before, but it bears repeating: Congress will not pass—should not pass—bad legislation in order to stave off bad regulations. We are neither incapable nor unwilling to legislate on energy and environmental policy. We have demonstrated this in the past. We did this with landmark environmental legislation such as the Clean Air Act, the Clean Water Act, and the Safe Drinking Water Act. We can, we should, and we will deal with these environmental challenges that face us. But forgoing legislation in favor of regulation would sacrifice the priorities and protections that are sought by just about every Member of the Senate.

The things that are being considered when we talk about climate legislation are worker training, funding for clean technologies, energy security enhancements, border adjustments, manufacturing concessions—these would all go by the wayside if climate policy is directed through regulation as opposed to legislation. There will be no agricultural offsets, no free allowances, no banking, and no borrowing under the Clean Air Act. There will be no funding for climate research or adaptation, no protection for consumers, and no assistance for businesses or workers.

I do understand some Members say they will only support climate legislation that puts a price on emissions.

They are frustrated that we in the Senate have not done that—have not agreed to do that yet. But I do not believe that mandating higher energy costs and imposing regulations on consumers and businesses is the only way to solve this challenge.

Some have likened the EPA regulation as the gun to the head of Congress that will force us somehow to act more quickly on climate legislation than we otherwise would. I think, sadly, a few Members of the Senate have actually bought into this coercive strategy. Throughout the yearlong debate on this issue—and it has been just about a year. It was last September that I attempted to introduce legislation that would put the EPA in a 1-year timeout. I was not allowed to bring that measure to the Senate floor. But throughout this yearlong debate on the issue, opponents have refused to discuss the actual impacts of EPA regulation. So I want my colleagues to listen today, listen to the debate. See if any opponents actually defend such regulation as being good for America.

Instead, we are going to hear red herrings about science, about fuel standards, about the oilspill. But as much as some would want it to be, this debate is not about the science of climate change. It is not a referendum on any other legislation that is pending in the Senate, nor is it about fuel efficiency. The Department of Transportation is and has been in charge for 35 years now, and we do not need another agency and another standard thrown into the mix to do the same job.

We updated our Nation's CAFE standards less than 3 years ago to at least 35 miles per gallon, and we left DOT in charge of their administration. We also outlined a very rational process for standards for medium- and heavy-duty trucks. Every target set by this administration can be met with existing authorities. As the Department of Transportation has admitted, our resolution does not directly impact their ability to regulate the efficiency and thus the greenhouse gas emissions of motor vehicles.

There is one very small potential exception and that is air-conditioning, but I have very little doubt that we would gladly provide EPA with the specific authority to regulate those systems instead of broad powers over our entire economy.

The EPA does not need to take over this process, and it should not be allowed to do so under a law that was never intended to regulate fuel economy. I understand concerns about a patchwork of standards and how difficult it would be for the industry to comply. But while we had one national standard at the start of 2009, we now have two national standards set by two Federal agencies driven by California's standards. I have a letter from the National Automobile Dealers Association dated just yesterday that spells this out quite clearly. They indicate that it in no way helps us to have, again, two national standards set by two Federal agencies. The best way to avoid a messy patchwork would be to pass our disapproval resolution, revoke California's waiver, and allow one Federal agency to set one standard that works for all 50 States.

Bringing climate science, the oilspill, and fuel economy into this debate are attempts at misdirection. They are red herrings that are intended to convince Members to oppose the resolution of disapproval. But this debate has nothing to do with those topics. It is about finding the best approach to reduce emissions and defending against policies that fail to strike an adequate balance between the environment and our economy. It is about maintaining the separation of powers between the legislative and the executive branches as our Founding Fathers intended and rejecting an unprecedented overreach by the EPA into the affairs of Congress. At its core, this is a debate about jobs, about whether we should seek conditions that will lead to their creation or enable policies that will destroy them.

This is our chance to make sure that Federal bureaucrats do not place a new burden on millions of hard-working Americans at a time that they cannot afford it and in a way they cannot reject. The time has come to take the worst option for regulating greenhouse gases off the table once and for all.

Under the procedures of the Congressional Review Act, I accordingly move to proceed to the consideration of S.J. Res. 26. I encourage Members of this Chamber to support debate on this measure and to vote in favor of both the motion to proceed and final passage.

I know under the unanimous consent agreement, this morning and throughout the day it is 30 minutes per side. I am not certain how much time I have consumed this morning, if the chair can instruct me?

The ACTING PRESIDENT pro tempore. The Senator has 2 minutes remaining

Ms. MURKOWSKI. I know Senator LINCOLN was hoping to come over this morning. What I will do at this point in time, if I may reserve those 2 minutes, seeing that Senator LINCOLN is not yet here, we can move to the Democratic side of the aisle, if Senator BOXER is ready to proceed.

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

The motion having been made, under the previous order there will now be up to 5½ hours of debate on the motion to proceed with the time divided and controlled, in alternating 30-minute blocks, by the Senator from California and Senator from Alaska.

Mrs. BOXER. Madam President, this is a very important debate. The Murkowski resolution we are considering today would overturn the endangerment finding developed by scientists and health experts in both the Bush and Obama administrations that too much carbon pollution in the air is dangerous—dangerous for our families, dangerous for our environment. Imagine, 100 Senators—not scientists, not health experts—deciding what pollutant is dangerous and what pollutant is not. Personally, I believe it is ridiculous for politicians, elected Senators, to make this scientific decision. It is not our expertise; it is not our purview.

The Murkowski resolution threatens jobs, jobs that we need, that are made in America for America.

Our hearts break every day that we look at what is happening in the Gulf. It seems to me more than ironic that Senator MURKOWSKI is advocating repealing the scientific finding that too much carbon pollution in the air is dangerous, at the same time every American sees graphic evidence on television every single day of the deadly carbon pollution in the Gulf of Mexico.

We see here in the saddest pictures what too much carbon-based pollution does in water, what it does to our shorelines, what it does to our beaches, what it does to our wetlands. I will show a couple of other photographs. They are almost too painful.

But what we do here has consequences. And for someone to come to this floor and say too much carbon is not dangerous, then I am sorry, we are going to have to look at these pictures even though we do not want to. We know the devastation this causes. Our eyes do not deceive us.

This horrific spill in the gulf has disrupted the lives of hundreds of thousands of people employed by fishing industries, tourism industries, recreation industries along the gulf coast. So, yes, this resolution, this Murkowski resolution, is about jobs.

Yesterday, Madam President, in your committee on which you serve—and I am so proud to have you as a member of the committee, the Environment and Public Works Committee—we heard from Captain Michael Frenette. He owns the Redfish Lodge in Venice, LA. He shared with us the terrible pain, both personal and economic, that the people of the gulf region are living through.

This is what he said:

> The possibility truly exists for many livelihoods to cease; livelihoods that have existed for generations and now are on the brink of financial disaster because of poor decisions by a supercorporate entity that has created the worst oilspill in history off the coast of Louisiana.

This spill is threatening the $18 billion in economic activity generated by fishing, tourism, and recreation on the gulf coast. The economic damage in the gulf could last for years to come, although we will, of course, do everything in our power to mitigate that damage.

I want to show you the pictures of the unspoiled California coastline and talk a moment about our coastal economy. Ever since I have been elected to public life—I was a county official, then a House Member, and then the

greatest privilege of all, to serve in this body—I have fought to protect our coasts. I have fought to protect our coasts because I believe they are a gift from God. I believe it is our responsibility to protect that gift and to leave that gift for future generations. I have fought to protect that coast and I have fought to protect those businesses, the businesses that depend on it.

There are so many other beautiful areas such as this along our Pacific coastline—spectacular rocky islands, sandy beaches, estuaries. We must preserve these treasures.

Now $23 billion is the economic activity that supports 388,000 jobs off the coast in California. In my home State, our 19 coastal counties account for 86 percent of the State's annual activity, for more than $1 trillion. We must move to clean energy, to protect our environment, to protect our jobs. We have to move away from the old ways.

No one can tell the American people that carbon is not a danger, because they have seen it every day of this spill. To say there is no danger, and that is what we would be saying today, is absolutely contrary to everything people are seeing every day, and do it for big oil. That is what this is about. Big oil backs the Murkowski resolution.

So whose side are we on? Are we on the side of the people? Are we on the side of clean energy jobs? Are we on the side of the lobbyists and special interests that are behind this resolution?

How does the Murkowski resolution threaten clean energy jobs? We know that to move forward with smart regulation of this pollutant, you have to have the endangerment finding. It is the predicate for moving forward. Therefore, it is the predicate for the incentives that will come for clean energy technology.

We must transition away from those old polluting sources of energy. We must look toward the future with optimism. And, again, all you have to do is look at the gulf. That is the irony of the timing of this Murkowski resolution.

I think when the timing was set, it was before the gulf spill. But the gulf spill tells us why the Murkowski resolution is so wrong. To repeal an endangerment finding, straightforward, made by health experts in the Bush administration, scientists in the Bush administration, health experts in the Obama administration, scientists in the Obama administration, for 100 elected people, with no expertise to say, we know more than the scientists in the Bush and Obama administrations, we know more than the health experts in the Bush and Obama administrations is the height of hubris. It is wrong. I know we all feel that we have powerful positions here. We have no right to do this. What is next? What are we going to do next, repeal the laws of gravity? If we start down this path, there is no end in sight. Any Senator can decide that she or he knows more than the scientists. Maybe we will say the Earth is flat and come down here and argue that one too.

Everyone knows we are not going to move away from the old energies overnight. We need to work together to make sure we do it right. But we need to move, move toward a clean energy economy, and the good jobs that come with it. This will set us back on purpose. On purpose. Because the very people who are bringing you this have not come forward with any bill to move us away from these old energies. They are stopping us from doing it. They admit it.

Let's hear what John Doerr, who is one of the leading venture capitalists in this country and in the world—he helped launch Google, he helped launch Amazon. He tells me that more private capital moves through the economy in a day than all of the governments of the world in a year. This is where we are going to get the stimulus money to grow jobs.

He told us that clean energy legislation is the spark we need to restore America's leadership. He predicted that the investments that flow into clean energy would dwarf the amount invested in high-tech and biotech combined.

Mr. Doerr said:

> Going green may be the largest economic opportunity of the 21st century. It is the mother of all markets.

We can either believe the oil lobbyists or we can believe the people on the ground who have shown that they know where the economic opportunities are. If we go this route, and we repeal this endangerment finding, you are moving away from clean energy. You are moving away from these opportunities. You are moving away from these technologies that will be made in America for America and, frankly, the technologies the whole world wants.

A recent report by the Pew Charitable Trust found that 125,000 jobs were generated during the period of 1998 to 2007 in my home State. Those jobs, those clean energy jobs, were generated 15 percent faster than the economy as a whole, and 10,000 new clean energy businesses were launched in that period. So when we look back at California, what do we see? We see the greatest area of job growth and new businesses is clean energy. What a tragedy. If we pass this today, and it were to become law—which I doubt, but it could, and that is its purpose—we would completely walk away from America's leadership in clean technology, turning our backs on the leading venture capitalists in our Nation who are telling us, do not do this.

Nationwide, Pew found that jobs in the clean energy economy grew much faster than traditional jobs. Clean energy jobs grew at a national rate of 9.1 percent, compared to 3.7 percent for traditional jobs between 1998 and 2007. So if you do not want to believe John Doerr—but I suggest you do, because he founded Amazon and Google, he funded them—let's listen to Thomas Friedman. His book is, ''Hot, Flat and Crowded.'' Here is what the central theme is:

> The ability to develop clean power and energy efficient technology is going to become the defining measure of a country's economic standing, environmental health, energy security, and national security over the next 50 years.

As I said, the EPA finding that too much carbon pollution is dangerous for our people and our environment is the key incentive to moving forward toward our clean energy economy. It is the basis upon which we move forward. It is the basis upon which we see their incentives then in place for clean energy technologies.

If this finding were eliminated under the Murkowski resolution, not only would it be, I believe, a worldwide embarrassment that the Senate is now taking to repealing health findings and scientific findings, but it would stop in its tracks the economic opportunities that come from clean energy technology.

We cannot ignore the basic finding that is made in this endangerment finding that carbon pollution in the air presents a very serious danger, threatening the health of our families, our quality of life, and our natural resources. I guess if we pass the Murkowski resolution, there would not be any danger anymore because we said so. I mean, you know, we can pass a resolution that says there should not be any more rain, and I guess then there would not be any more rain. We cannot ignore the basic scientific conclusion in that endangerment finding. If we were to do this, it would be extraordinary and unprecedented.

In 2007, the Supreme Court was clear when it ruled that carbon pollution and other greenhouse gas emissions are air pollutants, and they directed the EPA to determine whether this pollution endangers our health. So EPA, the Environmental Protection Agency—and I want to say to my colleagues, it is not the Environmental Pollution Agency. If you want to create an Environmental Pollution Agency, let's have a vote on that. It is the Environmental Protection Agency.

They are not supposed to be influenced by the politics of the day, as you know. They are charged with protecting the health of the kids, of our families, of our senior citizens, whether they are in Alaska, California, New York, or anyplace else in America. They are not the Environmental Pollution Agency. As much as big oil would like to dictate to them, they are not going to be dictated to by big oil.

By the way, the EPA was set up by Richard Nixon. Let's be clear here. Some of the officials from these States, Republicans, have weighed in against the Murkowski resolution and we will show that in a bit here.

EPA did what they were directed to do by the court. They had to do what the scientists and the health experts

told them to do. Again, the Murkowski resolution would overturn these findings. Leading scientists, physicians, and many others agree with the finding and have told us how much damage carbon pollution in the atmosphere can do. That is why they have stated their strong opposition to the Murkowski resolution.

Less than a month ago, the National Research Council, which is an arm of the National Academy of Sciences comprised of America's leading scientists, concluded that climate change is occurring. It is caused largely by human activities, and it poses significant risks for and is already affecting a broad range of human and natural systems. The National Research Council further concluded that changes in climate pose risks for a wide range of human and environmental systems, including freshwater resources, the coastal environment, ecosystems, agriculture, fisheries, human health, and national security.

EPA Administrators under Presidents Nixon, Ford, and Reagan oppose the Murkowski resolution. Let's be clear. This should not be a partisan issue. It may wind up being that, but it should not.

Russell Train, EPA Administrator under Presidents Nixon and Ford, writes: I urge the Senate to reject this and any other legislation that would weaken the Clean Air Act or curtail the authority of the Environmental Protection Agency to implements its provisions.

William Ruckelshaus, EPA Administrator under Presidents Nixon and Reagan, said: Thanks to the 2007 Supreme Court decision on global warming, EPA clearly has the right to regulate carbon. Anyone who would take away that power—it is a terrible idea.

William Ruckelshaus, EPA Administrator under Nixon and Reagan, said the Murkowski resolution is a terrible idea because this is the way we are going to address the problem of climate change.

Eighteen hundred scientists wrote to us opposing efforts to overturn this endangerment finding. In a letter to us, these scientists wrote: We the undersigned urge you to oppose an imminent attack on the Clean Air Act which would undermine public health and prevent action on global warming.

They go on to say: EPA's finding is based on solid science. This amendment represents a rejection of that science.

I ask unanimous consent to have printed in the RECORD the letter signed by 1800 scientists.

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

PROTECT THE CLEAN AIR ACT

(A letter signed by 1,806 U.S. Scientists)

DEAR CONGRESS: We the undersigned urge you to oppose an imminent attack on the Clean Air Act (CAA) that would undermine public health and prevent action on global warming. This attack comes in the form of House and Senate binding resolutions that would reverse the Environmental Protection Agency's (EPA) finding that global warming endangers public health and welfare. Because the EPA's finding is based on solid science, this legislation also represents a rejection of that science.

The EPA's ''endangerment finding'' is based on an exhaustive review of the massive body of scientific research showing a clear threat from climate change. The 2007 Fourth Assessment Report of the Intergovernmental Panel on Climate Change found that global warming will cause water shortages, loss of species, hazards to coasts from sea level rise, and an increase in the severity of extreme weather events. The most recent science includes findings that sea level rise may be more pronounced than the IPCC report predicted and that oceans will absorb less of our future emissions. Recently, 18 American scientific societies sent a letter to the U.S. Senate confirming the consensus view on climate science and calling for action to reduce greenhouse gases ''if we are to avoid the most severe impacts of climate change.'' The U.S. National Academy of Sciences and 10 international scientific academies have also released such statements. Unfortunately, the Murkowski amendment would force the EPA to ignore these scientific findings and statements.

The CAA is a law with a nearly 40-year track record of protecting public health and the environment and spurring innovation by cutting dangerous pollution. This effective policy can help address the threat of climate change—but only if the EPA retains its ability to respond to scientific findings. Instead of standing in the way of climate action, the Senate should move quickly to enact climate and energy legislation that will curb global warming, save consumers money, and create jobs. In the meantime, I urge you to respect the scientific integrity of the EPA's endangerment finding by opposing Senator Murkowski's attack on the Clean Air Act.

Mrs. BOXER. I also wish to display the public health organizations that oppose the Murkowski resolution.

We have to decide whom we want to listen to. Do we want to listen to big oil or politicians or do we want to listen to public health organizations that oppose the Murkowski resolution? I ask the American people to determine which side they are on—the American Academy of Pediatrics, the Children's Environmental Health Network, the American Nurses Association, the American Lung Association, the American Public Health Association, the National Association of County and City Health Officials, Trust for America's Health, Physicians for Social Responsibility, National Environmental Health Association, American College of Preventative Medicine, American Thoracic Society, the Association of Public Health Laboratories, the Association of Schools of Public Health, the Hepatitis Foundation International, the Union of Concerned Scientists. Again, we have included for the record the scientists, 1,800 of whom signed a letter to us opposing this.

I ask unanimous consent to have printed in the RECORD a letter signed by these entities as well as a separate letter from the American Lung Association.

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

FEBRUARY 23, 2010.

U.S. SENATE,
Washington, DC.

DEAR SENATOR: The undersigned national organizations, with a strong commitment to environmental public health issues, write in opposition to a potential amendment or ''Resolution of Disapproval'' by Senator Lisa Murkowski that would overturn or temporarily block the U.S. Environmental Protection Agency (EPA) endangerment finding for six greenhouse gases that contribute to climate change.

On December 7, 2009, EPA issued final findings that the greenhouse gases that contribute to climate change constitute a danger to public health and welfare. Some of the publc health effects of climate change cited in EPA's announcement include: increased likelihood of more frequent and intense heat waves, more wildfires, degraded air quality, more flooding, increased drought, more intense storms, harm to water resources and harm to agriculture. Given the serious public health implications of increasing greeenhouse gas concentrations, we believe overturning EPA's endangerment finding is bad public health policy.

We strongly urge you to oppose any amendmenmt or Resolution of Disapproval to overturn or restrict EPAs greenhouse gas endangerment finding.

Sincerely,

American Academy of Pediatrics; American College of Preventive Medicine; American Public Health Association; American Thoracic Society; Association of Public Health Laboratories; Association of Schools of Public Health; Children's Environmental Health Network; Hepatitis Foundation International; National Association of County and City Health Officials; National Environmental Health Association; Physicians for Social Responsibility; Trust for America's Health.

AMERICAN LUNG ASSOCIATION,
January 26, 2010.

DEAR SENATOR: On behalf of the American Lung Association, I write in support of the Clean Air Act and the implementation of the law by the U.S. Environmental Protection Agency. The American Lung Association urges the Senate to reject Senator Lisa Murkowski's Resolution of Disapproval (S.J. Res 26).

The resolution would block the U.S. Environmental Protection Agency's Supreme Court-directed endangerment finding that is required under Clean Air Act. EPA made this endangerment finding after a careful review of science and an extensive public comment process.

Specifically EPA concluded: ''Pursuant to CAA section 202(a), the Administrator finds that greenhouse gases in the atmosphere may reasonably be anticipated both to endanger public health and to endanger public welfare.'' (emphasis added)

The Senate must not vote to ignore the scientific evidence and reject its clear conclusions. The Clean Air Act mandates that the Environmental Protection Agency follow the science and then implement the law accordingly. The Resolution of Disapproval is a cynical attempt to disregard the science and block the enforcement of the Clean Air Act.

Since its passage in 1970, the Clean Air Act has been the nation's premier public health and environmental protection statute. The Clean Air Act is predicated on the protection of public health. Its implementation is grounded in sound science. The American Lung Association is a staunch supporter of this public health statute because of the enormous impact that air pollution has on

public health and the tremendous improvements in the nation's air quality that have resulted from this law.

The protection of public health is critically important. EPA has found that climate change will make attainment and maintenance of national ambient air quality standards more difficult as well as more frequent and more intense heat waves and other events that adversely impact respiratory health. The American Lung Association urges the Senate to support the Clean Air Act and reject S.J. Res 26.

Sincerely,

CHARLES D. CONNOR,
President & CEO.

Mrs. BOXER. These are the experts. These are the people we rely on when our children get sick. They don't take them, with all due respect, to Senator BOXER for a checkup or Senator MURKOWSKI for a checkup. They go to the pediatrician. The pediatricians oppose the Murkowski resolution. They are afraid of it because they know who is behind it. They know it is the special polluting interests, the big polluters who give big money to politicians. They know that. They are smart.

Let's be clear. We have on our side the people who are responsible for taking care of our kids, taking care of families, looking out for their health. They don't have any political skin in this game. They don't have any special interest in this game. They have one concern—the health of our families.

Overturning a scientific finding that states that carbon pollution is a threat to the health and well-being of the American public is a dangerous step. It would lead us down a perilous road that sets a precedent for appealing other scientific findings. I talked a little bit about that.

I want to talk specifically about two other findings that maybe one day any Senator, on either side of the aisle, could seek to repeal. Imagine if we had done this on lead, lead and children.

In 1973, EPA did what it had to do and issued an endangerment finding for lead in gasoline. At the time, the lead endangerment decision was controversial. This was the EPA under Richard Nixon. They said there was too much lead in gasoline. They said it was a danger to our kids. They said it would cause harm to the brains of our children. So the Administrator under Richard Nixon, William Ruckelshaus—who opposes the Murkowski resolution today—reached the conclusion that lead presented a significant risk of harm to the health of our population, particularly our children. What if a Member of Congress came down and said: We are going to overturn that. We don't like that rule. We don't like that finding. We disagree. We don't think it causes a problem. Can my colleagues imagine what would have happened? We would have seen the phase down of lead in gasoline delayed for a decade or more, leaving another generation of Americans exposed to serious health threats. We would have seen hundreds of thousands more children with impaired mental function. That is a fact. It may be a fact the other side doesn't want to hear, but it is a fact. That is why we have former members of the Nixon administration opposing the Murkowski resolution.

Let's look at the science behind the dangers of smoking. What would have happened if people didn't agree with Surgeon General Everett Koop—another Republican administration—and they came down and said: Well, we are going to speak for the tobacco companies here. Let's repeal that. Nicotine isn't a problem, not a problem at all. Let's just overturn that health finding.

Again, I ask my colleagues do they want to stand with the health experts, the lung association, the pediatricians, the nurses, or do they want to stand with the powerful special interests? It is a simple question. Every Member has to answer that.

We have to stop this attack on science and health. We have to stop this attack on the safety of our citizens. Our families come first.

I think it is important to note that overturning this endangerment finding—supporting the Murkowski resolution—is opposed by the auto industry and the autoworkers. This is what they tell us. We are spending $1 billion a day importing foreign oil. Do Members like that? Then vote for the Murkowski resolution. It is going to set us back. We won't get off foreign oil if we go down this path.

This is why we have the automakers opposing Murkowski: On behalf of the Alliance of Automobile Manufacturers and its 11 member companies, I am writing to express concern over the proposed resolutions of disapproval. If these resolutions are enacted, the historic agreement creating the one national program for regulating vehicle fuel economy and greenhouse gas emissions would collapse.

The autoworkers are asking us not to do this. Let's see what they say: The UAW is deeply concerned that overturning EPA's endangerment finding would unravel the historic agreement on one national standard for fuel economy. And they go on.

Clearly, we are at a point where we are finally seeing the auto industry come back to life. Let's not pass the Murkowski resolution and get them off track. After all the debate and all the arguments, I know the Senators from Michigan care deeply about what is happening to their autoworkers and their auto companies. We are very clear here what side they are on.

In summary, the Murkowski resolution would upend a historic agreement between auto companies, autoworkers, environmental groups, leading States such as California that formed the foundation of the recent EPA and DOT standards.

I am going to include for the RECORD a host of quotes from our national security experts who tell us that carbon pollution leading to climate change will be, over the next 20 years, the leading cause of conflict putting our troops in harm's way. That is why we have so many returning veterans who want us to move forward and address this issue so we can create the new technologies that get us off this foreign oil. Every time we import oil, we hurt ourselves. We have to get off these old energy sources. It is a transition. It is not going to happen overnight. But if we do things such as the Murkowski resolution, we will create chaos. We are going to see jobs lost. We are going to see us continue in an economic situation that has no new paradigm for economic growth, as we have learned from our venture capitalists, as we have learned from analysts, such as Thomas Friedman, who are so clear on this point.

The question before us is this: Will we protect the people we represent from dangerous pollution or will we choose to reject science? Will we choose to ignore the findings of the scientific community, the public health officials, and national security experts?

If we care about jobs—I know the Presiding Officer does—if we care about moving to a clean energy economy, if Members care about health, if they care about our environment and our natural resources, then they should vote no on proceeding to this resolution.

I hope we will carry the day. I know it will be close. But I have to tell my colleagues, this is a significant moment for the Senate because if we move down this path, ''Katy, bar the door.'' Any resolution, any health finding, any scientific finding is subject to politics. I would have thought that in the Senate, we might disagree with how to deal with the scientific finding—in other words, what kinds of rules and regulations should come out of it—but not to repeal the scientific finding itself. That would be unprecedented in the worst of ways.

I have used my time, the first half hour; am I correct?

The ACTING PRESIDENT pro tempore. The Senator has 10 seconds remaining.

Mrs. BOXER. Madam President, I have a number of fantastic speakers we will hear from in the next ensuing time.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Alaska.

Ms. MURKOWSKI. Madam President, at this time on the Republican side, I ask unanimous consent that for this next half hour, the order be Senator LINCOLN for 7 minutes, followed by Senator INHOFE at 13 minutes, Senator VOINOVICH for 7, and Senator GRAHAM for 5 minutes.

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

The Senator from Arkansas is recognized.

Mrs. LINCOLN. Madam President, I rise today in support of S.J. Res. 26, Senator MURKOWSKI's resolution of disapproval.

First, I would like to thank my friend and colleague, Senator MURKOWSKI, for her leadership to prevent

this heavy-handed EPA regulation of carbon emissions. I am proud to be part of a bipartisan group of Senators cosponsoring the resolution because I do believe EPA's regulatory approach is the wrong way to promote renewable energy and clean energy jobs in Arkansas and the rest of the country.

Allowing the courts and EPA to use the Clean Air Act to regulate greenhouse gases is truly misguided. It would threaten valuable jobs during an economic downturn, and it has the potential of actually discouraging the use of clean, renewable energy that is already helping to keep people working today.

But, first, let me say a few words on the energy challenges facing our Nation. We have committed to ambitious renewable fuel goals, and I have supported efforts to set a national renewable energy standard.

Just last June we passed a bipartisan energy bill out of the Senate Energy Committee, and I was very proud of that bill and hoped we would move forward on it.

In order to meet these goals and prosper in the 21st century, we must develop clean domestic energy supplies. This means developing all sources of energy—everything from wind, to natural gas, to, of course, biofuels.

My home State of Arkansas is already leading in this effort. Wind turbines and blades are manufactured in my home State of Arkansas, providing hundreds of green jobs to Arkansans. These include Nordex, LM Wind Power, Polymarin Composites, and Mitsubishi.

Arkansas is also home to the Fayetteville Shale, where clean burning natural gas has provided an enormous boost to the economy of central and north central Arkansas, producing jobs in a huge part of what has been positive for our economy.

Arkansas companies such as Future Fuel in Batesville, AR, are producing huge amounts of biodiesel, helping our Nation to meet the renewable fuel targets set forth in the 2007 Energy bill, not to mention their advanced battery technologies that they are researching and building upon.

Our wood and paper industry produces about two-thirds of the energy it needs from renewable forest biomass, providing and sustaining tens of thousands of jobs in the process. Facilities that range from small sawmills such as Bean Lumber in Glenwood and huge paper mills such as Domtar in Ashdown have taken steps to increase their use of renewable energy in recent years, saving thousands of critical jobs in the process.

These efforts in Arkansas, and similar efforts all around our country, are leading the way toward a clean energy future—one that reduces our emissions, reduces our dependency on foreign oil, and provides economic opportunity and jobs to so many of our citizens.

Unfortunately, EPA regulation of greenhouse gases does not move us any closer to a clean energy future or to reducing our dependency on foreign oil. Furthermore, it is simply the wrong tool for addressing greenhouse gas emissions.

Congress, the elected representatives of the people of this Nation—not unelected bureaucrats—should be making the complicated, multifaceted decisions on energy and climate policy. Furthermore, it is a widely shared view that the Clean Air Act, with its command-and-control approach to regulating air emissions, is the wrong fit for addressing greenhouse gas emissions.

One example of the way the EPA's approach to regulating carbon emissions does wrong is the way the proposed tailoring rule treats emissions from biomass energy. The tailoring rule equates carbon emissions from renewable energy with fossil fuel emissions. This is not consistent with years of internationally accepted policy, and it could penalize important industries and cost thousands of jobs, including some 10,000 direct and thousands of additional indirect jobs in our State of Arkansas.

As chairman of the Committee on Agriculture, Nutrition, and Forestry, I am also concerned about the effects EPA's regulation of greenhouse gases will have on production agriculture and domestic food security.

The hard-working farm families of this great Nation produce the safest, most abundant, affordable supply of food and fiber in the world, and they do it with greater respect to the environment than any other growers across the globe. For every one American mouth we feed, we feed 20 mouths globally, and it is critical we make sure we maintain the ability to do that.

According to a recent University of Tennessee economic analysis, EPA regulation will result in billions of dollars in losses in net returns for agriculture from 2010 to 2015, with the largest declines occurring in crops grown in our State of Arkansas, such as soybeans, cotton, and rice. These figures are frightening for agriculture in our State, particularly during a time of recession.

Furthermore, over 100 agricultural groups have expressed their concerns with EPA regulation of carbon and expressed their support of the Murkowski resolution. These groups include national associations for wheat, dairy, corn, cotton, rice, poultry, beef, pork, and eggs. These groups also include many specialty crop growers as well.

I also want to speak for a moment about what this resolution does not do. Some think this resolution weakens the Clean Air Act. It would not amend or otherwise affect the plain language of the Clean Air Act. It would not change or in any other way alter the words within the existing statute.

My colleagues and I are concerned about what will follow EPA's decision to release the endangerment finding—a unilaterally imposed all-sticks-no-carrot policy that actually discourages renewable energy use and penalizes those industries that have acted early to adopt clean energy technologies.

That is not the direction in which we want to go. We know, desperately, that we want to lower our carbon emissions, lessen our dependence on foreign oil, and create good, green jobs. This attempt, overreach, and this action by unelected bureaucrats at EPA is not going to help us achieve those goals.

Lastly, let me address a criticism heard in recent days: that a vote for the Murkowski resolution is a bailout or somehow a boon for big oil in the wake of the tragic oilspill in the Gulf of Mexico. Nothing could be further from the truth.

These critics would like the public to believe that opposing EPA regulation of greenhouse gas emissions is somehow related to the oilspill. Nothing could be further from the truth. We all know the British Petroleum spill in the Gulf of Mexico needs to be addressed through legislation that ensures the safety, effectiveness, and sustainability of oil and other resource extractions—as we will very soon. We are all concerned about what has happened in the gulf.

I certainly know, as a neighbor to the north of Louisiana, and one whose economic livelihood depends on the Port of New Orleans—not to mention the wonderful natural resources that we partner with the State of Louisiana in trying to preserve—this is a horrific circumstance that exists there, and we are all going to do everything we can not only to provide the cleanup but to ensure this kind of catastrophe never happens again.

But this issue is separate from the EPA regulation of greenhouse gases. I do not know, in my recent election if people had listened to what was on the TV, they would have thought I singlehandedly was responsible for what happened in the Gulf of Mexico. This is not where we solve that problem. We have much to do there and we should do it and I am all about getting about that business.

What would EPA regulations affect? I think that is the question we have before us. In Arkansas, it would affect manufacturers and their employees.

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

Mrs. LINCOLN. Madam President, I ask unanimous consent for an additional 30 seconds.

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

Mrs. LINCOLN. In Arkansas, it would affect manufacturers and their employees: facilities such as Great Lakes Chemicals in El Dorado, Green Bay Packing in Morrilton, Nucor Steel in Blytheville, Georgia Pacific in Crossett, FutureFuel Chemical Company in Batesville, and Riceland Foods in Stuttgart.

These Arkansas facilities, employing several thousand people, supporting families with good-paying jobs, would

be threatened by EPA regulation of greenhouse gases. That is why I encourage my Senate colleagues, with similar consequences facing their States, to vote for this resolution.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. INHOFE. Madam President, it is my understanding I have 13 minutes. I would like to have the Acting President pro tempore tell me when I have 1 minute left.

The ACTING PRESIDENT pro tempore. Of course.

Mr. INHOFE. That is kind of interesting because I have probably talked on this subject over the last 7 years for 200 or 300 hours, and I never had any trouble before getting time. It lets you know there is an awakening in the people who are looking at this particular vote that we are going to have today. Many of them believe in their hearts that anthropogenic gases cause global warming. I do not believe that. And there is everyone in between. The point is not that. It is, do we really want to have this bureaucracy?

Let me just comment. I was here when my good friend, Senator BOXER, was making her comments. That was very interesting because she spent three-fourths of her time talking about the oilspill. Let me say, there is no relationship between this and the oilspill. There is no reason to talk about them in the same speech.

When they talk about big oil—as she said, ''big oil has all this control''—well, big oil is BP. The last I checked, BP is very much involved with the majority, with the White House. In fact, I went and checked. I found out in my last Senate race, I was given $2,000 by BP. And I checked, in the last Senate race, which was the first Senate race by then-Senator Obama, he got three times as much money as I did. Now we find out that during the Kerry-Lieberman bill that has been talked about quite a bit, BP has been behind closed doors with them. Everybody knows this.

Now, it is not big oil behind this bill. Behind this bill you have the American Association of Housing Services for the Aging, Family Dairies USA, the Farm Bureau, the National Federation of Independent Business, the Brick Industry Association—all of these organizations, wholesome American organizations that are behind this issue because they do not want us to give up all the freedoms we would have to give up.

When Senator LINCOLN was talking about the tailoring rule, I know there has been a problem with those who are pushing for the endangerment finding, trying to make everybody believe that somehow it was not going to happen to anyone except some of the big industries, the refiners, the big manufacturers. No, the tailoring rule they are talking about is something that unilaterally they thought they would be able to get by with without anyone even noticing it, when, in fact, the Clean Air Act very simply says the emission of 250 tons in a period of a year.

Now, 250 tons, that is every farm in my State of Oklahoma. That is every church. So it covers everyone. But let me go back in this brief period of time and try to put this in perspective. Eleven years ago we had the Kyoto Treaty. This is the big treaty then-Vice President Gore wanted the American people to have to ratify. They wanted to bring it to the Senate for ratification. They did sign that treaty, but it never came up for ratification.

Do you want to know why? It did not come up because at that time it was so objectionable that we had a resolution that passed on the floor of this Senate 95 to 0—not one dissenting vote—saying: We do not want to be part of any movement or bill or treaty that treats developing nations differently than developed nations. That is exactly what it did. That resolution also said we do not want to ratify any treaty or pass anything that is going to be an economic hardship for the United States of America. Obviously, this was the case.

So we set the stage 11 years ago. Now we are facing this same thing again. I have to say that when Republicans were a majority, I chaired the Environment and Public Works Committee, which had the jurisdiction over most of this stuff we are talking about today. I have to also say, back then I honestly, in my heart, believed the anthropogenic gases, the CO_2, the methane, caused global warming because everyone said it did—catastrophic global warming. Now they do not call it that anymore since we are in the eighth year of a cooling period. They say ''climate change.'' That sounds a little bit more palatable.

But I can remember when I did believe that, until we started looking at the various bills that came up. We have voted in this Chamber five times on cap-and-trade bills, starting right about 2002 and up to the present day, and there is one pending today. During that period of time, we started looking at it and realizing what it would cost. The first analysis of what cap and trade would cost—and the same thing goes for the EPA under their regulations—would have been somewhere between $300 billion and $400 billion.

When we calculate that, in my State of Oklahoma—I always do the math—if we take the number of families who file tax returns, that would have been $3,100—not once but every year. So with that type of thing, looking at it, I thought: Well, as chairman of this committee, maybe we ought to look and be sure the science is accurate, the science is there. So we started looking at it and finding out this whole thing started—let's keep in mind, it started with the United Nations, the IPCC. That is the Intergovernmental Panel on Climate Change. They then were joined by all these Hollywood elites—moveon.org, George Soros, Michael Moore, and all these groups—until we realized they were pushing this, but the science was flawed.

I first made my statement on the Senate floor in 2002 that created some doubt in a lot of people's minds as to the accuracy of the science that the IPCC was putting together. There had been inquiries by many quality scientists who had said they rejected our input. We don't have any kind of an input in this issue, unless you agree with the United Nations and the IPCC, that categorically it is causing catastrophic global warming. Then they didn't let the scientists have their input.

So we started gathering all of this information. People were coming to me saying: This is a fraud. I gathered enough material that 7 years ago this month, I made a speech and I said the notion that anthropogenic gases, that CO_2 causes catastrophic global warming is the greatest hoax ever perpetrated on the American people. Then the scientists started coming in with their stuff. I would suggest that a lot of people don't agree with what I just said, so they ought to look at my Web site.

Five years ago I made a speech and I talked about all the scientists who were coming forward. As it turned out, when climategate came, essentially it was the same thing I said 5 years ago. The scare tactics we hear from Senator BOXER that this is all about the gulf, the oilspill, and all of that stuff, this is what they have been using. If we take Al Gore's science fiction movie and the IPCC and look at all of the assertions they made in this movie and the IPCC has made, every one has been refuted.

I can't find one assertion that has now not been refuted: melt Himalayan glaciers by 2035, not true; endanger 40 percent of the Amazon rain forests, not true; melt mountain ice in the Alps, Andes, and Africa, not true; deplete water resources for 4.5 billion people by 2085, totally refuted; slash crop production by 50 percent in North Africa by 2020; 55 percent of the Netherlands lies below sea level.

I can remember when Vice President Gore—no, it was after he was Vice President—we had a hearing in our committee, and we had several of the parents of young kids coming to us and saying: You know, my young child, my elementary age child is forced to watch this movie once a month, and they have been having nightmares and all of this stuff. So a lot of damage was done at that time.

But when we get back to what we are faced with today, we are faced with something they tried to pass. This administration has tried ever since they came in to pass cap-and-trade. A cap-and-trade, logically, you would say: Well, if you want to cut down on greenhouse gases, why not put a tax on CO_2?

The reason they don't do that is because then people would know what it is costing them. So there were all of these cap-and-trade bills that came up, and they were not able to pass them.

So this administration said, I am sure—I wasn't in the meeting; I am not invited to those meetings of the President—but they said: We can't get it passed in Congress. We can't get it passed in the House or the Senate, so let's go ahead and do it. We will just run over them with the administration. So they said: We are going to have an endangerment finding.

This is kind of interesting because right before going to Copenhagen—and for those of you who don't know this, once a year the U.N. throws a great big party and everybody goes to some exotic place and they try to sell the idea that we need to have this international treaty and, of course, it hasn't happened. Before Copenhagen—that was in December of this past year I can remember that we had—I suspected they would have an endangerment finding right while we were in Copenhagen to make it sound as though we were going to do something in the United States. In fact, I went over as a one-man truth squad and had a pretty good time.

Anyway, on the endangerment finding, Lisa Jackson, who is the Administrator of the EPA, an appointee of Obama, testified. I said to her: You know, Madam Administrator, this is live on TV. I suspect what is going to happen is that you are going to have an endangerment finding and try to take this over and do all of these punitive things to America under the Clean Air Act. If there is an endangerment finding, it has to be based on science. What science would you use if you are going to have an endangerment finding?

The answer was, It is going to be the IPCC, primarily, and that is the very science that climategate used when it came along, and it has been pretty much debunked. In fact, it was characterized in Great Britain as the greatest political scandal in the history of our country.

So, anyway, the endangerment finding was all based on that, and that is where we find ourselves today. So I would say this: I only talk about the science. I don't like to talk about the science because I know people don't understand it. But I did it because if you are one of those—and I say this to the Chair; I say this to anyone who might be listening at this time—if you believe that anthropogenic gas causes catastrophic global warming and climate change, then what would this do to remedy that? Well, the answer is nothing because the same Lisa Jackson who testified before our committee when I asked her this question—

The ACTING PRESIDENT pro tempore. The Senator has 1 minute remaining.

Mr. INHOFE. Thank you, Madam President.

I said: If we were to pass this, any of these cap-and-trade bills, or if we were to do this through the Clean Air Act through the Environmental Protection Agency, how much would that reduce the worldwide CO_2 emissions?

Her answer was, Well, it wouldn't reduce it because this would only apply to the United States.

What I am saying is, if you want to invoke all of this money spent, all of this cost on the American people, on every farmer in America, even if you believe the concept is there, it still wouldn't reduce the emissions. You could argue it could increase the emissions because our manufacturing base would have to go to places such as China, India, Mexico, places that didn't have the standards we have, and it would have the effect of increasing—actually increasing—CO_2.

So I just hope those individuals will realize if they think the problem is real, this isn't going to solve it.

I yield back.

The ACTING PRESIDENT pro tempore. The Senator from Ohio.

Mr. VOINOVICH. Madam President, I rise to speak in support of the bipartisan resolution to disapprove EPA's endangerment finding, S.J. Res. 26.

First of all, I am not here as a climate skeptic. I believe we should reduce emissions, but the steps we take must balance our Nation's energy and economic needs.

Climate change is a global environmental issue that cannot be solved by America acting alone. EPA's own data shows us that unless the rapidly expanding economies of China and India reduce emissions, U.S. action will have no impact on global temperatures.

It is widely acknowledged that regulations that flow from EPA's endangerment finding will jeopardize job creation, our economic recovery, and American competitiveness. That has been made very clear by those who have spoken before me. This was openly acknowledged by the Obama administration last year when the White House Office of Management and Budget cautioned:

> Making the decision to regulate CO_2 under the [Clean Air Act] for the first time is likely to have serious economic consequences for regulated entities throughout the U.S. economy, including small businesses and small communities.

This is far from incidental. The endangerment finding is the centerpiece of a coercive strategy designed to force Congress into passing cap-and-trade legislation. This was confirmed by a senior White House economic official late last year who was quoted as saying:

> If you don't pass this legislation, then . . . [EPA] is going to have to regulate in a command-and-control way, which will probably generate even more uncertainty.

Time magazine likened this approach to ''putting a gun to Congress' head.''

But this is a false dichotomy. Senators have before them a number of policy options to address climate change, including the power to remove the threat of EPA regulation. That the Senate has not yet embraced a bill speaks more to the flaws contained in those policies than to this body's willingness to act. In fact, economic analysis of every major piece of climate change legislation shows they would result in net job losses and retard economic growth with little or no impact on global temperatures. Why would the Senate choose to enact economically damaging legislation in order to stave off economically damaging regulations? This Senator certainly will not.

In their efforts to gain leverage over the legislative branch, administrative officials claim the resolution to disapprove EPA's endangerment findings would prevent fuel efficiency in vehicles through new EPA regulations. More recently, claims have been made that the resolution is a way to protect big oil in the wake of the gulf disaster. These claims are disingenuous on their face.

First, EPA's endangerment finding does nothing to clean up the Gulf of Mexico or prevent future spills. To suggest otherwise is an opportunistic bait and switch and an insult to the people of the gulf, the intelligence of the American people, and the Senate.

Second, EPA's endangerment finding has nothing to do with fuel savings. The National Highway Traffic Safety Administration has had authority to increase corporate average fuel economy—CAFE—standards for over 30 years. Indeed, NHTSA was required by law to raise light-duty vehicle standards to at least 35 miles per gallon when Congress passed the Energy Independence and Security Act in 2007.

In a February 19 letter, NHTSA's general counsel stated:

> The Murkowski resolution does not directly impact NHTSA's statutory authority to set fuel economy standards.

Indeed, in its own rule, EPA confirms that ''the CAFE standards address most, but not all, of the real world CO_2 emissions'' from automobiles.

In reality, EPA's rules are the ''camel's nose'' under the regulatory tent.

In spite of the Supreme Court's ruling in Massachusetts v. EPA, only the most tortured—tortured—reading of the act allows one to conclude that the Clean Air Act was intended to address global climate change. The act contains no express authorization to regulate, and there are no provisions recognizing the international dimension of the issue. I know this for a fact. I have been on the Environment and Public Works Committee for almost 12 years, and during those 12 years attempts have been made every 2 years to amend the Clean Air Act to include CO_2. In every instance, it has been turned down.

As a matter of fact, this issue has been dealt with over and over by the Senate. In fact, starting back in 1997, the Senate spoke directly to this issue where, by a vote of 95 to 0, it passed the Byrd-Hagel resolution. The resolution specifically stated that the United States should not commit itself to limits or reduce greenhouse gas emissions unless developing countries embrace specific commitments to reduce greenhouse gases. The overarching concern

was the serious harm that would be inflicted on the U.S. economy by unilateral action.

In other words, for us to go ahead and let the EPA regulate this and do it on our own, in effect what we are doing is we are unilaterally disarming the U.S. economy for absolutely no environmental gain.

Copenhagen showed us that the developing world will continue to resist binding reduction targets, and while China continues to build two coal-powered plants a week—in other words, while China puts up two coal-fired plants a week, the Sierra Club and other environmental groups in this country are shutting down any opportunity for us to use coal in terms of generating energy.

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

Mr. VOINOVICH. I ask unanimous consent to speak for 1 more minute.

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

Mr. VOINOVICH. Despite the fragile state of the economy and the futility of the effort in environmental terms, this administration presses forward.

In the final analysis, the Clean Air Act does not recognize the international nature of climate change and is not suited to regulate greenhouse gas emissions. The administration's attempt to use it to force Congress to adopt economically damaging climate policy is a reckless stunt, especially when one considers the very real challenges America faces today.

I am hoping that the Senate supports S.J. Res. 26, removes the gun from its head and gets on with the business of debating a sound energy policy. I suggest that the best way we can start to do this is by looking at the bipartisan bill—the Bingaman bill—which came out of the Energy Committee. That is where we should start if we want to be constructive in dealing with greenhouse gas emissions.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. BOXER. How much time remains on the Republican side?

The ACTING PRESIDENT pro tempore. Five minutes.

Mrs. BOXER. I thank the Chair.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina is recognized.

Mr. GRAHAM. Madam President, I appreciate what Senator MURKOWSKI is trying to do. Maybe this is a balance-of-power issue. The court ruled, I think in 2007, that greenhouse gases could be regulated under the Clean Air Act. Senator VOINOVICH is right. Congress has never made that decision. There have been efforts in the past to get carbon pollution regulation by the Clean Air Act, but it was never passed legislatively. The courts have spoken.

The tool being used today is a legislative tool available to the Congress to basically put regulatory powers in check, and what we are doing by passing this amendment is basically stopping the EPA from regulating carbon. And here is the real rub: If we stop them, are we going to do anything?

My view is that we need to do several things to replace the EPA. The EPA regulation of carbon cannot provide transition assistance to businesses. They don't have the flexibility or the tools necessary to create rational energy policy. That would create an economic burden at a time we need to create economic opportunity. So I think the regulatory system of dealing with carbon pollution is the wrong way to go, but to do nothing would be equally bad. To do nothing means China is going to develop the green energy technology that is coming in the 21st century.

What I propose is that the Congress, once we stop the EPA, create a rational way forward on energy policy that includes clean air and regulation of carbon.

No. 1, the trust fund that is used to build roads and bridges is tremendously underfunded. Senator INHOFE and others have challenged the Congress time and time again to do something about shortfalls in the highway trust fund.

To the transportation community, if you are listening out there, you have a chance, as a broader package, to be part of a broader deal to get money for the highway trust fund. But you will never do it standing alone. We are not going to raise taxes to put money in the transportation trust fund and that is all we do.

I think the transportation sector needs to be looked at anew. How can we lower emissions on the transportation side, reduce our dependency on foreign oil, and replenish the trust fund? I would argue that Congress could come up with policies that would dramatically reduce CO_2 emissions coming from cars and trucks without a cap on carbon; that we could have incentives on the transportation side to develop alternative vehicles—battery-powered cars, hydrogen-powered cars, hybrid cars in different fashions that would break our dependency on foreign oil.

If you take this debate and separate it from our dependency on foreign oil, you have made a huge mistake. Madam President, $439 billion was sent overseas by the United States last year to buy oil from countries that don't like us very much. When you talk about controlling carbon, you ought to be talking about energy independence.

I suggest that Congress look at the transportation sector with a comprehensive approach that will reduce our dependency on foreign oil, that will create vehicles that are more energy efficient and produce less carbon to clean up the air, and you can do all that without a cap and put money into the trust fund to rebuild bridges and roads that are falling apart as America grows. These are jobs that will never go to China. We need to have a vision on transportation that needs to be part of our broader vision.

When it comes to breaking our dependency on foreign oil, we need to use less oil in general. The President is right. A low-carbon economy is a safer America, a cleaner environment and I think a more prosperous America. But we have natural fossil fuel assets in this country. We have oil and gas.

The gulf oilspill is a tremendously catastrophic environmental disaster, but if we overreact and say we are going to stop exploring for domestic oil and gas—9 million barrels a day comes from domestic exploration, and we use 21 million barrels a day—the people in the Mideast would cheer that policy. The biggest winner in stopping domestic exploration for oil and gas would be OPEC nations. So it is not in our national security interest, not in our economic interest to make a rash decision on oil and gas exploration.

I encourage the Congress to slow down, find ways to safely explore for oil and gas, and make it part of an overall energy vision that will allow us to break our dependency on foreign oil.

When it comes to job creation, wind, solar, battery, and nuclear power—all of the energy efficiency green technology that will come in this century is going to come from China if we don't get our act together. We need a rational energy policy that would incentivize alternative energy to be developed in America before the world takes over this emerging market. That means incentives for wind, solar, and, yes, nuclear power. Twenty percent of our power comes from the nuclear industry, and 82 percent of the French economy's power comes from the nuclear industry. Surely we can be as bold as the French. If you had a renaissance of nuclear power in this country, you could create millions of jobs. We could come up with ways to treat the waste.

President Obama has been very good on nuclear power. His administration, with Secretary Chu, has been excellent in trying to develop incentives to expand nuclear power in a safe fashion.

Carbon is bad. Let's do something about it in a commonsense way. You don't have to believe in global warming to want clean air. This idea about what to do with carbon—you don't have to believe the planet is going to melt tomorrow, but this idea that what comes out of cars and trucks and coal-fired plants is good for us makes no sense to me. If we can clean up the air in America, we would be doing the next generation and the world a great service. The key is, can you clean up the air and make it good business? I believe you can. Let's pursue both things: good business and clean air.

Mrs. BOXER. Madam President, I ask unanimous consent that whatever extra time was given to the other side be added to our time.

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

Mrs. BOXER. Madam President, at this point, we are going to hear arguments against the Murkowski resolution from Senator DURBIN for 6 minutes, followed by Senator REED of Rhode Island for 5 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. DURBIN. Madam President, the Murkowski resolution gives the Senate a choice between real science and political science. That is what it comes down to.

The EPA went to the scientists across America and asked them the basic question: Do greenhouse gas emissions endanger life and the planet on which we live? After months and thousands of comments and 380,000 scientific comments, they concluded that it does. They said that we have a responsibility under the Clean Air Act to protect the people in the United States and the people on Earth. We are going to move forward with a gradual, systematic way of reducing greenhouse gas emissions because we know they are causing damage.

Twenty-one years ago, I went to Alaska, to Prince William Sound, after the Exxon Valdez ran aground. I saw the thousands of barrels of black, sludgy oil covering that pristine and beautiful part of America in Alaska.

I have spoken to the Senator who is the sponsor of this resolution. Twenty-one years later, we still know that ecology, that environment has not recovered from that spill. But that was very obvious. You could see it. It was filthy. There are changes in the environment that are hurting Alaska today that are hard to see.

We know greenhouse gas emissions and air pollution are changing Alaska, with the loss of sea ice; the melting permafrost; coastal erosion in villages, such as Shismaref, that have been falling into the ocean; ocean acidification. The Arctic icecap, which is a key ecological component of Alaska's ecology, has a record-low amount of Arctic sea ice.

Are we to ignore this? You will ignore it if you vote yes for the Murkowski resolution. You will choose political science over the real science that tells us that unless we come to grips with the air pollution that threatens us, it will not only endanger our lungs and our lives, it will endanger the planet on which we live.

In 1970, we created the EPA, under President Richard Nixon. In those days, 40 years ago, the environmental issues were bipartisan issues. People came together and said: We can address the challenges facing us in the United States and around the world on a bipartisan basis.

Well, bipartisanship is still alive when it comes to important environmental issues. There is bipartisan opposition to the Murkowski resolution. It turns out those who headed the EPA under Presidents Nixon, Ford, and Reagan all oppose the Murkowski resolution. They believe, as scientists do, that we have a once-in-a-lifetime opportunity to seize this moment and find a way to save this planet we live on and make it healthier for all of us and for our children.

We have had great success with the Clean Air Act. We have reduced pollution. We are moving forward. But the Murkowski resolution says stop—stop taking those actions that have been proposed by the EPA to reduce pollution; ignore the scientific findings and accept the political science.

What do I mean by that? There are political forces strongly in support of the Murkowski resolution. Big oil is one of them. Energy companies agree we should stop this EPA regulation. Of course, they have a vested interest. They have money on the table. How credible is big oil today on the floor of the Senate when we have witnessed the disaster in the Gulf of Mexico? Are we going to criticize them in the morning in speeches and then reward them by passing this resolution in the afternoon? I hope not.

I hope we will take an honest look at the environment we live in and understand that to give away basic scientific findings, walk away from them, and embrace political science is something we will never be able to explain to future generations.

The United States should join in leading the world to clean up the planet on which we live. Passage of the Murkowski resolution is a step backward. It will say to the world that the United States is in complete denial; that the Senate is rejecting the findings of scientists all across the world; and that we don't need to address climate change and the impact of air pollution on our lives.

This is a singular historic moment. I sincerely hope my colleagues on both sides of the aisle—and I hope it is bipartisan again—will join in standing up for science, for clean air, for an approach to the environment that says our kids will have a fighting chance to live on a planet that can sustain life and do it in a healthy way.

I reserve the remainder of my time on this side and yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

Mr. REED. Today, in the midst of the biggest oil spill in our Nation's history, we are debating a joint resolution, supported by the oil industry, among others, that effectively says that the Senate, with its extensive expertise, believes the Environmental Protection Agency was wrong to conclude that greenhouse gases are pollutants despite the preponderance of the evidence, scientific evidence, that shows this to be an accurate and correct assessment. The Senate can pass a resolution saying practically anything, but it does not change reality. The fact is, the best science tells us that climate change is real and that greenhouse gas emissions contribute significantly to it.

It is also true that our continuing reliance on fossil fuel undermines not only our environmental quality but our national and economic security. We have seen the environmental effects played out dramatically and catastrophically in the Gulf of Mexico with the BP disaster. But if we do nothing, we will continue to see our economy held hostage by our need for fossil fuels and the billions of dollars a year we send overseas to buy oil. We will see our national security imperiled by our over-reliance on these fossil fuels and our continuing inability to take effective, measured action based on science to control these greenhouse gases.

This resolution is more than just our opinion; it would effectively and permanently block the EPA from taking concrete steps today to deal with this problem. For example, it would prevent the EPA from collaborating with the National Highway Traffic Safety Administration on new vehicle efficiency and emission standards. These are commonsense, doable achievements, and, in fact, we are seeing even the automobile industry support this. It is estimated that if the EPA and the highway traffic safety administration move forward, they could save consumers more than $3,000 in fuel costs over the lifetime of their vehicles. Think of that. If we were talking about a $3,000 tax rebate to Americans, everybody would be jumping up and down saying that is great.

By improving the efficiency of automobiles and doing it in a thoughtful way, we can provide consumers, families, over the lifetime of a vehicle—several years—$3,000 in benefits rather than shipping that $3,000 overseas to buy petroleum. That is a pretty good deal. This resolution would effectively prevent that.

The proponents of the resolution say: Congress has to act on this. That is true, but I would be more encouraged with that line of argument if it were matched by effective action to deal with the serious problems that face this country today. Indeed, we have spent months and weeks laboring over the extension of unemployment benefits. Every significant bill that has come to this floor has been filibustered time and time again. To suggest disingenuously that we will pass this resolution and get on to a climate change bill, pass it within several weeks or months is, I think, not borne out by the evidence of what we have seen in this Chamber over the last several months.

We have to move forward. As I said, this is not only an economic issue. It is a national security issue. The Quadrennial Defense Review in February 2010 noted—this is the review that is done periodically to assess the strategic position of the United States:

> Assessments conducted by the intelligence community indicate climate change could have significant geopolitical impacts around the world, contributing to poverty, environmental degradation, and the further weakening of fragile governments. Climate change will contribute to food and water scarcity, will increase the spread of disease, and may spur or exacerbate mass migration.

In effect, what this review suggested is that it is very likely climate change will be an accelerant of instability. At this moment in time, the last thing we need is to accelerate instability in the world.

One of the challenges we face is that this is not the Cold War where we are facing a monolithic Soviet Union and its allies in a strategic conflict that can be managed through deterrence. This is a situation where our greatest danger today is in unstable parts of the world, and that instability is going to be accelerated if we do not take steps. This is not just an issue of the economy, environmental rules, whether Congress should act or the agencies act. This is whether we are going to deal with the forces that are causing turmoil and instability in the world.

For these reasons and many others, I urge rejection of this resolution.

I reserve the remainder of our time, and I yield the floor.

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

The Senator from New York.

Mr. SCHUMER. Madam President, my esteemed colleague from New York, I first thank our Chair, the Senator from California, who does a great job on all of these issues. I thank the Senator from Rhode Island for his, as usual, excellent and prescient words.

I join my colleagues in strong opposition to S.J. Res. 26. This is a joint resolution disapproving of the rules submitted by EPA which finds that greenhouse gases threaten the public health and our environment. This resolution, if enacted, would turn back the clock on years of scientific research that tells us greenhouse gases are damaging to our environment and our public health.

This resolution could not be coming at a more meaningful moment in our Nation's history. As we speak, thousands and thousands of barrels of oil continue to pour into the gulf, disrupting lives, posing enormous risk to our shorelines, and costing our economy billions of dollars. Now is certainly not the time to tie the Federal Government's hands when it comes to weaning our Nation off unclean fuels. Now would be the last time to allow business as usual for the oil companies who always, as the BP incident shows, prioritize profits over clean energy production and safety and pollution reduction.

The most enthusiastic supporters of this resolution we are debating today are BP, its fellow oil companies, and their lobbyists in Washington. Why should we let BP and their lobbyists take the driver's seat? Why should we allow them to tell us how to achieve energy independence, how to keep American people safe from greenhouse gases? They are certainly not good about telling us how to keep safe from oilspills.

We are witnessing firsthand what happens when industry is allowed to do what is best for industry. There are 37 million reasons why we cannot let this resolution pass today: 37 million barrels today have bled into the gulf on the industry's watch.

I urge my colleagues to put aside their ideological positions on government regulation and instead work together to rewrite energy policy in this country. We need to focus all of our efforts on a comprehensive solution to a complicated problem and pass legislation to jump-start clean energy, cap greenhouse gases, and improve our energy security. It is critical that we join together in a national commitment to reduce our dependence on fossil fuels.

We have come too far to reverse the tide on investment in American technology to reduce pollution and to produce cleaner energy. And we still have miles to go.

Even my colleagues who argue about the science of global warming agree that energy independence is also a national security issue. We send $1 billion a day overseas to buy foreign oil in large part from unstable and dangerous companies such as Iran, and unfriendly countries such as Venezuela. Our brave men and women fighting in Iraq and Afghanistan suffer significant casualties during the transportation of fuel and fuel-related supplies which are prime targets for our enemies.

Because we have failed to break this dangerous cycle of dependence, we are more reliant on foreign oil today than in the days after 9/11. We certainly can do better. This resolution is a step back.

We also all agree that America should have the cleanest air and the cleanest water of any place on Earth. We all know a cleaner America is a stronger America. Placing a cap on carbon emissions is the simplest way to achieve this collective goal while creating more U.S. jobs and reducing our dependence on foreign oil. And, it works.

Two decades ago, President Bush implemented an air pollution cap as a way to address the problem of airborne sulfur dioxide, known as acid rain, greatly affecting my State. The Bush plan worked. Today it is considered one of the most effective environmental initiatives in U.S. history. Lakes in upstate New York, in the Adirondacks and elsewhere, that once were dead are now coming alive.

We are at a crossroads right now, and the decisions we make will have great impacts on our economy, our air quality, and our Nation's energy security. We can choose to deny the science and continue to pollute the air, fall behind in the energy race, and let big oil run roughshod over our economy and environment or we can say no.

Or we can learn the lessons from our past, carefully weigh the facts and forge a new clean energy future to put America back on the road to prosperity.

We need to put ideology aside and pass comprehensive energy reform this year. Majority Leader REID has indicated that we will make an energy bill a top priority this summer. I look forward to working with my colleagues to do just that.

Once again, I want to voice my opposition to S.J. Res. 26 and urge my colleagues to vote against this attempt to undermine America's nearly 40-year effort to cut dangerous pollution, protect our air quality, and spur innovation.

The ACTING PRESIDENT pro tempore. The Senator has consumed 5 minutes.

Mr. SCHUMER. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. BOXER. Madam President, our speakers at this time will be Senator SHAHEEN for 5 minutes, Senator SANDERS for 5 minutes, and Senator CANTWELL for 5 minutes.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire.

Mrs. SHAHEEN. Madam President, I am pleased to be here to join my colleagues and Senator BOXER—and I thank her for her leadership in this effort—to keep from turning back the clock on our air quality. We desperately need to reform our country's energy policies.

Our reliance on fossil fuels means polluting our air, it results in an enormous transfer of wealth to other countries—$1 billion a day—and it compromises our national security. We are currently sending $150 billion a year to countries that the State Department deems dangerous and unsafe.

There are tremendous costs domestically associated with this reliance on fossil fuels. We saw it in 1989 with the Exxon Valdez spill in Prince William Sound, and we are seeing it now as the largest environmental disaster in our country's history plays out before our very eyes in the gulf—the loss of life and the tragedy to the environment. The way of life that so many people in the gulf have enjoyed for generations is unfortunately, we think, going to be gone. We pay a very heavy price for our dependence on fossil fuels. Now is the time to work together to get America running on clean energy.

Reforming our Nation's energy policies will help us take control of our future in America, a future that will be built on clean energy and American power.

To those who say we should not be reducing carbon pollution, I simply disagree. We have heard the same tired stories from big oil and big polluters again and again. They tell us reducing carbon pollution will kill jobs and wreck our economy. Time and time again, we have heard these same arguments, and we know they are not true.

Since we passed the Clean Air Act in 1970, we have dramatically reduced emissions of dozens of pollutants, we have improved air quality, and we have improved public health. The EPA estimates that this year, the Clean Air Act prevented an estimated 20,000 deaths, more than 23,000 cases of chronic bronchitis and asthma, and 59,000 hospitalizations.

Yet during this same period, despite the current recession that has set us back, with the Clean Air Act, we have been able to grow our economy. Our gross domestic product has more than tripled, and average household income grew more than 45 percent.

We know we can protect the public health, save our environment, and grow our economy.

The resolution we are debating today will unravel the only ability we have right now to address carbon pollution. For those who say Congress should make a decision about how to address carbon, they are absolutely right. But instead of debating efforts to protect big polluters, we should be using this time to debate how to position our country to lead in the global clean energy economy.

I have no doubt that the American people have the ingenuity and the competitive spirit to solve our energy challenges. What they need is some leadership from us in Washington. Now is the time to get America running on clean energy.

I urge my colleagues to reject this resolution and for all of us to work together to craft energy policies that will help us transition to a clean energy economy that will stop carbon pollution and our reliance on fossil fuels.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. SANDERS. Madam President, I rise in strong opposition to the Murkowski resolution which, sadly, is sponsored by virtually the entire Republican caucus, which would overturn EPA's endangerment finding under the Clean Air Act that greenhouse gas emissions pose a threat to the public health and welfare.

This resolution is not about whether EPA or Congress should regulate greenhouse gas emissions. What this resolution is about is whether we go forward in public policy based on science or based on politics. That is what this resolution is about.

I have a very hard time understanding where all of this antiscience sentiment is coming from. If an American gets sick and goes to a doctor, she does not worry about whether that doctor is a Republican or a Democrat, whether the doctor is conservative or progressive. The concern is that the physician is well trained by a certified academic institution and has the scientific knowledge needed to treat the ailment. That is what Americans go to doctors for. It is not a political issue. It is a matter of science and biology, of the best medical treatment available.

But somehow when we talk about global warming, we do not have to worry about the science, we do not have to worry about what the leading experts and scientific institutions all over the world are telling us. For whatever reason, this discussion about global warming is now political, not scientific.

This is absurd. It should be no more political than the best cancer treatment available or how we deal with a broken leg. Let's look at the science. Let's look at the leading scientists all over the world.

Scientists at the following world-renowned American institutions have all found that human-caused greenhouse gas emissions are causing global warming. Here they are: NASA, National Science Foundation, Departments of Defense, Agriculture, Energy, Interior, Transportation, Health and Human Services, State, Commerce, the Smithsonian Institute, the National Academies of Science, the American Meteorological Society, the American Association for the Advancement of Science. The CIA believes global warming presents one of the major security risks facing our country. If all of these scientific institutions are wrong, why do we continue funding them?

But this is not an issue just for the American scientific community or governmental agencies. This is the consensus that exists in virtually every country in the world.

It is ironic this resolution against the science of global warming comes from the Republican Senator from Alaska, a State clearly experiencing the impacts of global warming. The Alaska State government Web site says:

> Global warming is currently impacting Alaska and will continue to impact it in a number of ways. These impacts include melting polar ice, the retreat of glaciers, increasing storm intensity, wildfires, coastal flooding, droughts, crop failures, loss of habitat and threatened plant and animal species.

Three Alaskan villages have begun relocation plans, and the U.S. Army of Corps of Engineers says over 160 more rural communities are threatened by erosion from global warming impacts. This is going on in Alaska.

The evidence of global warming is overwhelming. NASA has reported that the previous decade was the warmest on record—90 percent of observed glaciers are shrinking. Glacier National Park had 150 glaciers in 1910 and now has just 30. Arctic sea ice is covering smaller areas every summer. Sea levels have risen as much as 9 inches in some areas, causing the island nation of Maldives to divert revenues to purchase a new homeland for its people. Harmful insects are migrating for higher altitudes and causing forest destruction, including 70,000 square miles of American and Canadian forests since 2000.

So with all of this evidence, who is arguing against global warming? Who is saying it is not real? Well, the well-known climate expert Glen Beck has suggested climate scientists should commit suicide and compared Al Gore to Adolf Hitler. There you go. Rush Limbaugh, another scientist of outstanding repute, says global warming is ''bogus'' and is the work of ''pseudoscientists.''

Well, from where are these rightwing media commentators getting their talking points? In many cases from precisely those corporations that want us to remain dependent on fossil fuel, that want us to continue importing hundreds of billions of dollars a year of foreign oil, that want to continue making record-breaking billions and billions of dollars in profit as they charge us $3 per gallon of gas.

During the 1990s, big oil companies such as Exxon and BP funded an industry front group called the Global Climate Coalition.

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

Mr. SANDERS. I ask unanimous consent for an additional 30 seconds.

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

Mr. SANDERS. These oil companies used tobacco industry lobbyists and tactics to cast doubt on global warming science.

What this is about is, if our Nation is to prosper, if we are to create the millions of jobs we desperately need, we have to have science-based public policy and not politically based. I would hope that we will reject, very strongly, the Murkowski resolution.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

Ms. CANTWELL. Madam President, I thank Senator BOXER for her passionate leadership in defense of the Clean Air Act and the pollution protections this bedrock law provides every American. I appreciate her yielding me time to speak in opposition to the Resolution of Disapproval introduced by Senator MURKOWSKI.

Madam President, I don't think any of my colleagues would disagree that the Clean Air Act has been one of the most effective environmental laws ever passed in our Nation. It has literally saved the lives of thousands of children who would otherwise have suffered terribly from the effects of air pollution.

The economic benefits of the Clean Air Act are immense, and it has been credited with turning around a dire acid rain problem that was threatening the natural heritage of all of New England. The critically important 1970 amendments to the Act were a bipartisan bill. Those improvements—really called the Muskie Act, in honor of the key role played by the former Senator from Maine, Ed Muskie—were, of course, signed into law by a Republican President, Richard Nixon.

The next major revisions came 20 years later, in 1990, and those improvements cracked down on acid rain and lead in our gasoline supply.

But today we are talking about a Resolution that would undermine the Clean Air Act, rather than strengthen it. We are actually debating whether to overturn the science-based determination that greenhouse gases pose a threat to the public health and welfare to the current and future generations of Americans.

Madam President, the Supreme Court ruled in 2007 that greenhouse gases are pollutants and are covered by the

Clean Air Act. Consequently, the court held that the Environmental Protection Agency must make a determination, based on the available science, about whether greenhouse gases pose a threat to the public. EPA engaged in a thorough public process, assessed the available scientific evidence, and ultimately determined that greenhouse gases do pose a threat to public health and welfare.

The reason I recount all this history, Madam President, is to show that these findings are not the casual or capricious action of a small group of bureaucrats. Rather, they are the result of a long and transparent process prescribed by statute and the highest court in the land.

In announcing her resolution last January, my colleague, Senator MURKOWSKI, said:

> We should continue our work to pass meaningful energy and climate legislation, but in the meantime, we cannot turn a blind eye to the EPA's efforts to impose back-door climate regulations.

While I fully agree with my colleague on the first point—we do need to work together on meaningful energy and climate legislation—I have to say I disagree on the second point, about the back-door regulations. Though Congress may not have specifically anticipated greenhouse gas emissions when the Clean Air Act was originally passed, the same can be said of many pollutants. Indeed, when the 1970 law passed, only five pollutants were initially listed. Since then, dozens of additional pollutants have been listed and the air we breathe is better for it. This is not an example of an agency overreaching, it is the way the Clean Air Act was designed to work.

The drafters of the Clean Air Act never claimed they could predict all of the pollutants that might someday fall under its jurisdiction. That is why they established a framework and a public process that could be used to regulate any pollutant that science—science—ultimately identified as a threat to public health and welfare.

Today, 40 years later, we have come to the point where thousands of scientists, working throughout the Federal Government and around the world over the course of decades, have identified a serious risk associated with the emissions of greenhouse gases. Given these scientific findings, the legal mandate from the United States Supreme Court, and the statutory requirements spelled out in the Clean Air Act, the EPA has a responsibility to act.

For Congress now to undermine this process would be——

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

Ms. CANTWELL. I ask unanimous consent for an additional 15 seconds.

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

Ms. CANTWELL. For Congress now to undermine that process would be to undermine the Clean Air Act itself and the sanctity of science-based policymaking. It would be a very bad precedent, and it would be a threat to our children and to the environment in which we want them to grow up.

The ACTING PRESIDENT pro tempore. The Senator from Alaska.

Ms. MURKOWSKI. Madam President, for this next 30 minutes, we will be allocating the block in a 20-minute segment that will be under the control of Senator BARRASSO to engage in a colloquy with several of our Republican colleagues, and following that 20 minutes there will be 10 minutes under the control of Senator NELSON of Nebraska.

We have a lot of Members who wish to speak in support of this resolution, so we are trying to accommodate as many as possible. With that, I yield to my friend, the Senator from Wyoming.

Mr. BARRASSO. Madam President, I thank my colleague for allowing me to conduct this colloquy with other colleagues who are here as part of the Senate Western Caucus. We are here to speak in favor of the Murkowski resolution in opposing what the Environmental Protection Agency is trying to do in terms of its efforts to regulate climate change because we know that is a job killer for all Americans.

I see my colleague, Senator HATCH from Utah, and I understand he has some new information he would like to share with the people of America and the Senate.

Mr. HATCH. Madam President, I thank my colleague, and I appreciate being here with my two colleagues from Wyoming and also Idaho. Let me start by applauding Senator MURKOWSKI for her strong leadership on this issue, and I stand squarely behind her effort.

To summarize what has already been laid out, the EPA has released findings that, No. 1, human carbon emissions contribute in a significant way to global warming, and, No. 2, global warming, which has been going on for about 10,000 years now, is an endangerment to humans.

The EPA's foundation for its proposal relies on the assumption that both of these findings are the truth.

Madam President, I was sorely disappointed but not too surprised when I learned the EPA based its ''findings'' almost entirely on the work done by the United Nations Intergovernmental Panel on Climate Change—or the IPCC. I have no problem with much of the science produced by the IPCC scientists, but I have a real problem with the way that science is summarized by the political leaders at the IPCC and by the conclusions drawn by those same political leaders in the IPCC's Summary for Policymakers, which is not a science document.

It becomes immediately evident that the EPA relies heavily on these political summaries and conclusions rather than actual science produced by the IPCC because we now have abundant proof that a wide gulf exists between what the science indicates and what the political leaders of the IPCC pretend that it indicates.

But I am not asking anyone to take my word for this. Instead, let's listen to what the IPCC scientists are saying about the conclusions that politicians at the IPCC have been selling to policymakers. Here is what Dr. John T. Everett has to say. He was an IPCC lead author and expert reviewer and a former National Oceanic and Atmospheric Administration senior manager. He says:

> It is time for a reality check. Warming is not a big deal and is not a bad thing. The oceans and coastal zones have been far warmer and colder than is projected in the present scenarios of climate change.

Well, there is one of the IPCC's top scientists saying that the warming we are experiencing is not an endangerment.

Let's hear another scientist, Dr. Richard Tol. He was the author of three full U.N. IPCC working groups and the Director of the Center for Marine and Atmospheric Science. He says:

> There is no risk of damage [from global warming] that would force us to act injudiciously.

As an illustration, he explains:

> Warming temperatures will mean that in 2050 there will be about 40,000 fewer deaths in Germany attributable to cold-related illnesses like the flu.

What is that, Madam President? Here we have another top scientist at the IPCC telling us that warming will actually save lives, not endanger them?

Dr. Oliver W. Frauenfeld, a contributing author to the U.N. IPCC Working Group 1 Fourth Assessment Report, sends those of us who are policymakers a serious warning. He says:

> Only after we identify these factors and determine how they affect one another, can we begin to produce accurate models. And only then should we rely on those models to shape policy.

I hope my colleagues in the Senate are listening today because these U.N. IPCC scientists are speaking directly to us. I wonder at what cost to our economy and our competitiveness will we as policymakers continue to ignore the actual scientists at the IPCC? There is nowhere near a scientific consensus on either one of the EPA's ''findings'' that humans are causing warming or that warming is necessarily bad for the environment or for humankind.

MIT climate scientist, Dr. Richard Lindzen, another IPCC lead author and expert reviewer, dispels the notion there is a scientific consensus in favor of drastic climate policy. He explains:

> One of the things the scientific community is pretty agreed on is those things will have virtually no impact on climate no matter what the models say. So the question is do you spend trillions of dollars to have no impact? And that seems like a nobrainer.

Another top IPCC scientist and lead author was Dr. John Christy. He explained that the U.N. IPCC process had become corrupted by politics. He says:

> I was at the table with three Europeans, and we were having lunch. And they were

talking about their role as lead authors. And they were talking about how they were trying to make the report so dramatic that the United States would just have to sign that Kyoto Protocol.

The politicization at the U.N. was so egregious that Dr. Christopher W. Landsea, U.N. IPCC author and reviewer and expert scientist with NOAA's National Hurricane Center, pronounced:

I personally cannot in good faith continue to contribute to a process that I view as both being motivated by pre-conceived agendas and being scientifically unsound.

Now, Madam President, there are many more U.N. and government scientists who have publicly expressed their professional opinions that the IPCC political projections are overblown and not supported by the science. I have put together a sampling of their quotations in a report called the ''UN Climate Scientists Speak Out on Global Warming.'' It is available for download on my Climate 101 link on my Web page. I ask unanimous consent to have printed in the RECORD two documents relating to climate change.

The PRESIDING OFFICER (Mrs. HAGAN). Without objection, it is so ordered.

(See Exhibit 1.)

Mr. HATCH. Madam President, I would like to address an issue that has been very carefully ignored by the EPA; that is, the—get this word—''benefit'' Americans can expect from the EPA's actions.

As Senators, not many of us are scientists, but each of us is a policymaker. As policymakers, we are expected to fully analyze the costs and benefits of any proposal that comes before us.

The endangerment the EPA points to is the warming we are supposedly causing. If warming is the endangerment, then the benefit is the amount of warming the regulations would avoid. Thanks to the IPCC, we have all the numbers and assumptions we need to be able to determine just how much warming we could avoid for the amount of carbon emissions the EPA can stop.

Let's go on the assumption that the EPA will successfully reduce human CO_2 emissions in this country by 83 percent over the next century. According to the alarmist and some would say overblown assumptions at the U.N. IPCC, Americans can expect a cooling benefit of somewhere between 0.07 and 0.2 degrees Celsius after a full 100 years of effort. That is right, we are being asked to give up trillions of dollars in economic activity, send all manufacturing activity overseas, give up millions of jobs, and put basic human activities under the control of the EPA, all for a benefit that cannot be measured on a household thermometer after 100 years of sacrifice and pain.

The EPA tells us our human carbon emissions are leading to a general catastrophe, but then we find out that if we do what they say, it will make no real difference. So I ask the EPA Administrator this question: Have you done a real risk-benefit analysis of these proposed carbon emission regulations? I don't want to hear all the scary scenarios about general global warming; I want to know the actual risk associated with an 0.07 to 0.2 degree decrease in temperature over 100 years because that is what we are talking about here. That is the analysis I want to see because when you stack up the astounding costs on the scale against such a tiny benefit, you have the most lopsided and obvious failure of a cost-benefit analysis I have ever seen.

I notice my other two colleagues are here. I have gone on a little longer than I wanted to.

EXHIBIT 1

[From National Geographic News, July 31, 2009]

SAHARA DESERT GREENING DUE TO CLIMATE CHANGE?

(By James Owen)

Desertification, drought, and despair—that's what global warming has in store for much of Africa. Or so we hear.

Emerging evidence is painting a very different scenario, one in which rising temperatures could benefit millions of Africans in the driest parts of the continent.

Scientists are now seeing signals that the Sahara desert and surrounding regions are greening due to increasing rainfall.

If sustained, these rains could revitalize drought-ravaged regions, reclaiming them for farming communities.

This desert-shrinking trend is supported by climate models, which predict a return to conditions that turned the Sahara into a lush savanna some 12,000 years ago.

GREEN SHOOTS

The green shoots of recovery are showing up on satellite images of regions including the Sahel, a semi-desert zone bordering the Sahara to the south that stretches some 2,400 miles (3,860 kilometers).

Images taken between 1982 and 2002 revealed extensive regreening throughout the Sahel, according to a new study in the journal Biogeosciences.

The study suggests huge increases in vegetation in areas including central Chad and western Sudan.

The transition may be occurring because hotter air has more capacity to hold moisture, which in turn creates more rain, said Martin Claussen of the Max Planck Institute for Meteorology in Hamburg, Germany, who was not involved in the new study.

''The water-holding capacity of the air is the main driving force,'' Claussen said.

NOT A SINGLE SCORPION

While satellite images can't distinguish temporary plants like grasses that come and go with the rains, ground surveys suggest recent vegetation change is firmly rooted.

In the eastern Sahara area of southwestern Egypt and northern Sudan, new trees—such as acacias—are flourishing, according to Stefan Kröpelin, a climate scientist at the University of Cologne's Africa Research Unit in Germany.

Shrubs are coming up and growing into big shrubs. This is completely different from having a bit more tiny grass,'' said Kröpelin, who has studied the region for two decades.

In 2008 Kröpelin—not involved in the new satellite research—visited Western Sahara, a disputed territory controlled by Morocco.

''The nomads there told me there was never as much rainfall as in the past few years,'' Kröpelin said. ''They have never seen so much grazing land.''

''Before, there was not a single scorpion, not a single blade of grass,'' he said.

''Now you have people grazing their camels in areas which may not have been used for hundreds or even thousands of years. You see birds, ostriches, gazelles coming back, even sorts of amphibians coming back,'' he said.

''The trend has continued for more than 20 years. It is indisputable.''

UNCERTAIN FUTURE

An explosion in plant growth has been predicted by some climate models.

For instance, in 2005 a team led by Reindert Haarsma of the Royal Netherlands Meteorological Institute in De Bilt, the Netherlands, forecast significantly more future rainfall in the Sahel.

The study in Geophysical Research Letters predicated that rainfall in the July to September wet season would rise by up to two millimeters a day by 2080.

Satellite data shows ''that indeed during the last decade, the Sahel is becoming more green,'' Haarsma said.

Even so, climate scientists don't agree on how future climate change will affect the Sahel: Some studies simulate a decrease in rainfall.

''This issue is still rather uncertain,'' Haarsma said.

Max Planck's Claussen said North Africa is the area of greatest disagreement among climate change modelers.

Forecasting how global warming will affect the region is complicated by its vast size and the unpredictable influence of high-altitude winds that disperse monsoon rains, Claussen added.

''Half the models follow a wetter trend, and half a drier.''

SAMPLE OF SCIENTIFIC STUDIES SHOWINGREAL-WORLD BENEFITS OF WARMING FOR SPECIES AND HABITAT

IPCC GLOBAL WARMING-INDUCED EXTINCTION HYPOTHESIS BASED ON COMPUTER MODELS

1. Woodwell (1989) wrote that ''the climatic changes expected are rapid enough to exceed the capacity of forests to migrate or otherwise adapt.''

[Woodwell, G.M. 1989. The warming of the industrialized middle latitudes 1985–2050: Causes and consequences. Climatic Change 15: 31–50.]

2. Davis (1989) said that ''trees may not be able to disperse rapidly enough to track climate.''

[Davis, M.B. 1989. Lags in vegetation response to greenhouse warming. Climatic Change 15: 75–89. Gear, A.J. and Huntley, B. 1991. Rapid changes in the range limits of Scots pine 4000 years ago. Science 251: 544–547. Root, T.L. and Schneider, S.H. 1993. Can large-scale climatic models be linked with multi scale ecological studies? Conservation Biology 7: 256–270.]

3. Malcolm and Markham (2000) agreed that ''rapid rates of extinction [since] many species may be unable to shift their ranges fast enough to keep up with global warming.''

[Malcolm, J.R. and Markham, A. 2000. Global Warming and Terrestrial Biodiversity Decline. World Wide Fund for Nature, Gland, Switzerland.]

4. Thomas et al. (2004) developed computer models predicting future habitat distributions. These models were used by the IPCC to make estimates of species extinction.

[Malcolm, J.R., Liu, C., Miller, L.B., Allnutt, T. and Hansen, L. 2002. Habitats at Risk: Global Warming and Species Loss in Globally Significant Terrestrial Ecosystems. World Wide Fund for Nature. Gland, Switzerland.]

SCIENTIFIC REBUTTALS TO THOMAS' COMPUTER MODELS

1. Stockwell (2000) observes that the Thomas models, due to lack of any observed extinction data, are not 'tried and true,' and their doctrine of 'massive extinction' is actually a case of 'massive extinction bias.'

[Stockwell, D.R.B. 2004. Biased Toward Extinction, Guest Editorial, CO2 Science 7 (19): http://www.co2science.org/articles/V7/N19/EDIT.php]

2. Dormann (2007) concludes that shortcomings associated with climate alarmist analyses ''are so numerous and fundamental that common ecological sense should caution us against putting much faith in relying on their findings for further extrapolations.''

[Dormann, C.F. 2007. Promising the future? Global change projections of species distributions. Basic and Applied Ecology 8: 387–397.]

PLANTS' ABILITY TO AVOID EXTINCTION WITH THE HELP OF CO2

1. Idso and Idso (1994) found that high levels of CO2 have many positive effects on plants.

[Idso, K.E. and Idso, S.B. 1994. Plant responses to atmospheric CO2 enrichment in the face of environmental constraints: A review of the past 10 years' research. Agricultural and Forest Meteorology 69: 153: 203.]

2. Idso and Idso (1994) also showed that the positive effects of CO2 on plants were amplified as temperatures increase.

[Idso, K.E. and Idso, S.B. 1994. Plabt responses to atmospheric CO2 enrichment in the face of environmental constraints: A review of the past 10 years' research. Agricultural and Forest Meteorology 69: 153: 203.]

3. Wittwer (1988) asserts that even the most extreme global warming envisioned by the IPCC would probably not affect the majority of Earth's plants, because 95% of all plants can naturally adapt to high levels of CO2 while remaining in their current habitat.

[Wittwer, S.H. 1988. The greenhouse effect. Carolina Biological Supply, Burlington, NC.]

4. Drake (1992) shows that increases in atmospheric C02 can actually raise the optimum growth temperature of plants.

[Drake, B.G. 1992. Global warming: The positive impact of rising carbon dioxide levels. Eco-Logic 1(3): 20–22.]

REAL-WORLD EXAMPLES OF PLANTS ADAPTING TO CLIMATE CHANGE

1. Allen et al. (1999) discovered that the vegetation naturally responds to rapid changes in climate. Warmer was always better in terms of vegetation production.

[Allen, J.R.M., Brandt, U., Brauer, A., Hubberten, H.-W., Huntley, B., Nowacyk, N.R., OBerhansli, H., Watts, W.A., Wulf, S. and Zolitschka, B. 1999. Rapid environmental changes in southern Europe during the last glacial period. Nature 400: 740–743.]

2. Kullman (2002), in a long-term study of the Swiss Alps, similarly shows that the Earth's vegetation can rapidly respond to climate warming. Warming does not result in species extinction, but actually leads to a greater number of species.

[Kullman, L. 2002. Rapid recent range-margin rise of tree and shrub species in the Swedish Scandes. Journal of Ecology 90: 68–77.]

PLANTS DO NOT NEED TO MIGRATE TO ADAPT

1. An international team of 33 researchers found that, with warming, ''when species were rare in a local area, they had a higher survival rate than when they were common, resulting in enrichment for rare species and increasing diversity with age and size class in these complex ecosystems.''

[Wills, C., Harms, K.E., Condit, R., King, D., Thompson, J., He, F., Muller-Landau, H.C., P., Losos, E., Cmita, L., Hubbell, S., LaFrankie, J., Bunyavejchewin, S., Dattaraja, H.S., Davies, S., Esufali, S., Foster, R., Gunatilleke, N., Gunatilleke, S., Hall, P., Itoh, A., John, R., Kiratiprayoon, S., de Lao, S.L., Massa, M., Nath, C., Noor, M.N.S., Kassim, A.R., Sukumar, R., Suresch, H.S., Sun, I.-F., Tan, S., Yamakura, T. and Zimmerman, J. 2006. Nonrandom processes maintain diversity in tropical forests. Science 311: 527–531.]

EVOLUTIONARY RESPONSES TO CLIMATIC STRESSES

1. Franks et al., 2007 showed that disease incidence was lower in environments with elevated CO2 levels.

[Franks, S.J., and Weis, A.E. 2008. A change in climate causes rapid evolution of multiple life-history traits and their interactions in an annual plant. Journal of Evolutionary Biology 21: 1321–1334.]

2. Sage and Coleman (2001) concluded that species are continually evolving and have high capacity for further evolving as CO2 content continues to rise.

[Sage, R.F. and Coleman, J.R. 2001. Effects of low atmospheric CO2 on plants: more than a thing of the past. TRENDS in Plant Science 6: 18–24.]

ANIMALS AVOIDING EXTINCTION—BIRDS

1. Thomas and Lennon (1999) showed that both British birds and European butterflies have expanded their ranges in the face of global warming. This is a positive response that decreases the likelihood of extinction to a lower possibility than it was before the warming.

[Thomas, C.D. and Lennon, J.J. 1999. Birds extend their ranges northwards. Nature 399: 213.]

2. In a similar study (1999) Brown et al. showed that the warming trend leads to an earlier abundance of food for the Mexican jay. This, in turn, leads to the jay laying eggs earlier in the season, and thus increasing the chances of survival for young jays.

[Brown, J.L, Shou-Hsien, L. And Bhagabati, N. 1999. Long-term trend toward earlier breeding in an American bird: A response to global warming? Proceedings of the National Academy of Science, U.S.A. 96: 5565–5569.]

3. Brommer (2004) demonstrates that the range of birds in a warming world will likely increase in size, which decreases the likelihood of extinction.

[Brommer, J.E. 2004. The range margins of northern birds shift polewards. Annales Zoologici Fennici 41: 391–397.]

4. Lemoine et al. concludes that ''increase in temperature appear to have allowed increases in abundance of species whose range centers were located in southern Europe and that may have been limited by low winter or spring temperature.'' In addition they found that, ''the impact of climate change on bird populations increased in importance between 1990 and 2000 and is now more significant than any other tested factor,'' because warming has tremendously benefitted European birds and helped buffer them against extinction.

[Lemoine, N., Bauer, H.-G., Peintinger, M. And Bohning-Gaese, K. 2007. Effects of climate and land-use change on species abundance in a central European bird community. Conservation Biology 21: 495–503.]

5. Hapulka and Barowiec (2008) observed that increasing temperatures over a 36-year period led to an increase in the length of the egg-laying period. For several reasons, these temperature increases resulted in birds having significantly more offspring.

[Halpuka, L., Dyrcz, A. And Borowiec, M. 2008. Climate change affects breeding of reed warblers Acrocephalus scirpaceus. Journal of Avian Biology 39: 95–100.]

6. UN Modeler Jensen et al (2008) stated, ''global climate change is expected to shift species ranges polewards, with a risk of range contractions and population declines of especially high-Arctic species.''

[Jensen, R.A., Madsen, J., O'Connell, M., Wisz, M.S., Tommervick, H. And Mehlum, F. 2008. Prediction of the distribution of Arctic-nesting pink-footed geese under a warmer climate scenario.]

7. When this theory was actually tested, the same researchers, Jensen et al (2008) discovered that global warming ''will have a positive effect on the suitability of Svalbard for nesting geese in terms of range expansion into the northern and eastern parts of Svalbard which are curently unsuitable.''

[Jensen, R.A., Madsen, J., O'Connell, M., Wisz, M.S., Tommervick, H. And Mehlum, F. 2008. Prediction of the distribution of Arctic-nesting pink-footed geese under a warmer climate scenario. Global Change Biology 14: 1–10.]

OTHER CLIMATE WARMING BIRD POPULATION STUDIES

1. UN modelers Seoane and Carrascal (2008) wrote that ''it has been hypothesized that species preferring low environmental temperatures which inhabit cooler habitats or areas, would be negatively affected by temperature during the last two decades.'' After an intense study of 57 species between 1996 and 2004, they discovered that, ''one-half of the study species showed significant increasing [italics added] recent trends despite the public concern that bird populations are generally decreasing,'' while ''only one-tenth showed a significant decrease.''

[Seoane, J. And Carrascal, L.M. 2008. Interspecific differences in population trends of Spanish birds are related to habitat and climactic preferences. Global Ecology and Biogeography 17: 111–121.]

Mr. BARRASSO. I think the Senator from Utah has made a clear point. The costs are real. The costs of doing this are very real. The benefits, however, are theoretical.

I see my colleague and friend from Idaho here. I ask him, who elected the Environmental Protection Agency? Because we sure know the American people are against these increased costs for energy and these job-killing regulations.

Mr. RISCH. I thank my colleague, Senator BARRASSO. You were cheating, looking at my notes over my shoulder. A well made point.

I come at this whole proposition from a little different way than perhaps a lot of my colleagues do. All of this debate has been about global warming and about whether we should regulate carbon and how we should do that and what have you. But that is not really the issue on this resolution. This resolution is about the separation of powers. The Constitution of this great land that we all took an oath to uphold is very specific in separating the powers of the executive branch, the legislative branch, and the judicial branch. The Founding Fathers wisely separated the different branches so that none could overpower the other. What are we doing here? The movement by the administration and by the Environmental Protection Agency is to take from the legislative branch the power that belongs to the legislative branch.

It is obvious in the debate that is going on here that we have deep differences, which we should have, because this is a major policy decision

that will affect every single American. It has profound effects on the economy. It has profound effects on the movement of jobs overseas. These are things that should be debated and are things that should be decided by elected persons—not by the people at the EPA, who are not elected and who are not answerable to the electorate.

When this happens, what you get is a deterioration of the Constitution of this great country. Each of the branches is constantly tugging at the other, attempting to pull power away from the other and attempting to consolidate power within itself. This movement by the EPA to effect policy is one of those power struggles. Every single Member of this body should be concerned about the shift of power from the legislative branch to the administrative branch.

What has happened here, as everyone can see, is this has become polarized. Again, it has become a partisan argument that we should allow the EPA to do this because we can't seem to get it through the legislative branch as quickly or as efficiently or leaning to the left as we want. That is wrong. It is just plain wrong. It should be decided right here. Those policy decisions should be debated here. Those policy decisions should be made on the floor of this body and on the floor of the House of Representatives. This is not a job for nonelected persons. It is a job for the people who have been elected and who have to go home again and face reelection and listen to the voters say: You did a great job controlling global warming or, you doofus, what are you doing? You can't possibly do it the way you want to do it.

That is a debate which should be held here. Why has this become so partisan? At the end of the day, we all know how this is going to come out. There are going to be 55 votes, give or take a couple, to defeat Senator MURKOWSKI's resolution. It is going to be generally on a party-line basis. At the end, the administration will claim a great and glorious victory again. But it will not be a great and glorious victory for the American people; it will be a defeat for the American people. And more important, it will be a defeat and another erosion of the Constitution of this great country and movement of power from the legislative branch where it belongs to the administrative branch, to the bureaucrats, to the people who are not elected. That is a wrong way to do this. It should stay right here in the legislative body.

I yield the floor back to my good friend, Senator BARRASSO.

Mr. BARRASSO. I think my colleague makes a key point. My colleague from Idaho has been discussing what has been described as the worst disaster in American history, and it is what is happening right today in the Gulf of Mexico. Should the Environmental Protection Agency maybe be focusing its efforts there, where we know there is a real problem, a real job to be done, real concerns, and the American people are looking or should the Environmental Protection Agency spend its time and spend our resources driving up the cost of energy and doing it with the idea that perhaps 100 years from now it might make a difference? The efforts ought to be placed today where the efforts are needed most. The Environmental Protection Agency ought to be focused on the gulf, not on something that theoretically may make a difference 100 years from now.

At a time when emissions are going up in China and going up in India and going up in Russia, going up all around the world, the Environmental Protection Agency says: I want to handcuff the American economy, handcuff the small businesses of this country. At a time with 9.7 percent unemployment, let's make it tougher on Americans—that is what the Environmental Protection Agency wants to do. If this Senate goes ahead and defeats the Murkowski amendment, they will be saying exactly the same thing. We are going to make it tougher on small businesses.

For the small businesses in the western part of the country, we have our small refiners, we have our agricultural folks, tourism folks—all of the different people as part of the Western Caucus. What is this impact going to do to you? What is your position? We contacted agricultural groups all around the West. Look at this map of the United States. More than half of the square miles of the United States included in here support the Murkowski resolution because they know it is key to their economy. It is key to those parts of the country. It is key to agriculture. It is key to energy production. And it is key to families who are trying to balance their budgets, live within their means. They do not want to see an increase in taxes, which is what this is—an increase in energy costs at a time of 9.7 percent unemployment.

I tell you, I am here to support the Murkowski resolution of disapproval. The EPA's endangerment finding starts the process of taxing everything Americans do: driving cars, heating homes, powering small businesses. This will cost millions of Americans their jobs.

It is fascinating. The Small Business Administration wrote to the EPA a couple of times reminding the Environmental Protection Agency to stop the endangerment finding and look at its impact on small businesses, on small communities. The SBA basically said: Comply with the Regulatory Flexibility Act, the law meant to protect small businesses from excessive regulation from Washington.

I will tell you, when you talk about excessive regulations from Washington, we have seen them in the last year and a half. This bedrock law was meant to protect the ranchers, the small refiners around the States, restaurant owners in Utah, dairy farmers—you name it. But with unemployment hovering at about 9.7 percent, it is unacceptable that the Environmental Protection Agency has failed to evaluate the impact of greenhouse gas regulations on the small businesses and the communities across America. Who grows jobs in America? Small businesses. In the last 15 years, small business owners have been responsible for 64 percent of all job creation in America. But additional regulations, additional rules, additional taxes make it that much harder.

Is it going to actually have an impact on the global environment? No, not at all, not when you take a look at what is happening in China, where their emissions are going to go up every year all the way through 2050. India's emissions are going up; more and more energy is being used. If you want to use energy well, the United States does the best job in using it efficiently.

It just seems that when I go home on weekends to Wyoming—and I will be there again tomorrow—and I talk to people in various parts of the State, they say: What are they thinking back in Washington? Why are they going to make it harder for us to compete? Why are they going to make it harder for us economically?

The food producers in our Nation compete globally to sell food products, and they do it in a way where we need to use energy. Agriculture is a hugely energy-intense operation, and anything that increases the costs of producing that food is going to get passed on to consumers in this country and consumers in other nations as we go ahead and try to compete and sell our products overseas.

It does seem that this EPA endangerment rule will ruin the small business engine that drives the economy on jobs.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BARRASSO. I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. NELSON of Nebraska. Madam President, today I rise to speak in support of the bipartisan resolution of disapproval offered by my colleague and friend, Senator MURKOWSKI from Alaska, and out of concern as well about a serious, harmful impact on Nebraska's economy that could result if the Environmental Protection Agency moves ahead with its plans to regulate carbon emissions in our country.

While I will outline some of that impact in a moment, I wish to first explain why I am supporting the resolution. I am supporting it to protect the Nebraska economy and our Nation's economy from EPA overreach. It is that simple. I want to send a clear message: Nebraska's farmers, ranchers, business owners, cities, towns, and hundreds of thousands of electricity consumers should not have their economic fortunes determined by unelected bureaucrats in Washington, DC.

Finding a national consensus on how to control the levels of carbon emissions is the job of elected Members of Congress. Reducing carbon emissions will have a substantial economic impact on our country but in different ways for different States. Congress should take the lead in determining the rules that will apply.

American people may not support. It does not change the Clean Air Act. It says Congress should write the new rules curbing carbon emissions.

The reason this is important can be found in what I have heard from many Nebraskans about the impact of the EPA's proposed carbon emissions regulations.

For nearly 2 years, since the EPA's initial Proposed Rulemaking for Regulating Greenhouse Gas Emissions under the Clean Air Act in July 2008, I have heard from Nebraskans.

Many agricultural, industrial and energy-related businesses and organizations in my State have warned that the EPA regulations will impose substantial new costs on farmers, ranchers, small businesses, communities and users of electricity. EPA regulations would impose a top-down government-directed regime that would raise the price of energy in Nebraska, add greatly to administrative costs, and create new layers of bureaucracy.

While no one can say how much, because even the EPA does not know yet what requirements will be imposed on power suppliers, the cost in Nebraska will be significant.

Regulated entities such as Nebraska's two Public Power companies, which provide electricity directly to 1.34 million Nebraskans in a State of 1.7 million residents, would be subject to an inflexible regulatory process. It would require new permits to be acquired before facilities are built or modified, and before Best Available Control Technology is purchased, installed, and operated.

The application process for a single EPA permit for a new or modified source could cost the applicant hundreds of thousands of dollars and require more than 300 person-hours for a regulatory agency.

In Nebraska today, coal serves as our primary fuel source to produce electricity. We also have a great potential to move to renewable energy resources such as wind. But the EPA's regulation of greenhouse gas emissions would force a move to other fuel alternatives at rates that would substantially increase the cost of electricity for consumers in our State. This is incontrovertible.

Soaring electricity rates would have a detrimental impact on many businesses and manufacturers. One of them is Nucor Steel in Norfolk, one of the largest users of electricity in Nebraska.

If you couple the electricity rate increase with new regulations and review processes for companies like Nucor to make major modifications to an existing facility or build a new facility, you have a recipe for trouble. EPA regulation of greenhouse gases would have chilling effects on new investment in our Nation's manufacturing sector that we are just beginning to see come around from the economic downturn.

Further, these new regulatory costs are not limited to our utility consumers and manufacturers. They could devastate Nebraska's No. 1 industry: Agriculture.

According the Nebraska Farm Bureau, were the EPA's tailoring rule not to work, an estimated 37,000 farms nationwide would emit more greenhouse gas emissions than the Clean Air Act threshold levels allow. Permits generally cost more than $23,000, so the regulations could add $886 million in costs to our farmers.

Not only will our farms bear additional bureaucratic costs, but they will be put at a disadvantage in the global marketplace.

The Nebraska Soybean Association notes that every other row of our State's soybean crop is exported. The EPA's new regulations will put commodities such as Nebraska-produced soybeans at a disadvantage to our foreign competitors who are not subject to similar burdensome regulations.

Earlier this year, in his State of the Union Address, the President called for doubling our exports over the next 5 years to create more jobs in America. That goal is at cross purposes with allowing new regulations to go forward that will hamstring our producers as they try to compete in the global marketplace.

Additionally, the Nebraska Corn Growers point out that the increase in the bureaucratic costs to farms will boost agriculture input costs. With that, our Nation's farms will not even be competitive with foreign producers here at home. That, then, in turn will lead to more foreign dependence and less security for the U.S. food and fuels supply.

This strikes me as possibly the biggest negative consequence of the EPA getting out ahead of Congress. As I pointed out time and time again during debate on the 2008 farm bill:

> If you love that we are dependent on other nations for our energy needs, you'll love even more relying on other nations for our food.

I am aware that some have argued that support of this resolution is an attack on the Clean Air Act. Some say that if the resolution passes it would lead to an even greater reliance on oil leading to more situations like the spill in the Gulf of Mexico.

I am not going to go for a smokescreen argument against the Murkowski resolution.

The resolution would only prevent an unwarranted and ill-advised expansion of the Clean Air Act's implementation. Every current standard and control for air pollution would be preserved exactly intact, as written and authorized by Congress.

Now, I have no doubt that carbon emissions should be reduced in the U.S. But not through excessively costly EPA regulations or a complicated cap and trade proposal that could spur speculation that enriches Wall Street, while not cleaning the air above Main Street.

In my view greenhouse gas emissions should be reduced through a comprehensive energy bill. One that promotes efficiency, innovation, new technology, and renewable energy such as wind and biofuels that can be produced in Nebraska's fields. An energy bill should help, not harm, Nebraska and the American economy as it cleans up the air.

By pursuing that kind of a sound energy policy we will take important steps toward ending our reliance on energy from areas that can be unstable such as the Middle East, South America and Africa. Instead, we can create our own American energy from the Sun, the wind and the biofuels available throughout the Midwest, and across our great land.

I believe there is bipartisan support for this type of comprehensive energy bill. I hope we can turn our attention to it soon.

We should work together on legislation that enables our agricultural and manufacturing industries to grow, rather than wilt under layers of unilateral and bureaucratic EPA directives.

When Congress takes the lead in that manner, Nebraska families, farmers and businesses will prosper, and so will America.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, at this time I yield 10 minutes to Senator FEINSTEIN, followed by 10 minutes to Senator CARPER.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Madam President, I just learned, by looking at one of the boards out here, that we have something called a Western Caucus, and the largest State in the Union that is bigger than all of the States in population in the caucus has not been invited to join the Western Caucus. Well, so be it. We will have to suffer along.

This measure, I believe, sets a dangerous precedent by invalidating the endangerment finding on greenhouse gas pollution. I strongly oppose it. I wish to make the public health argument.

What is an ''endangerment finding''? Simply put, it is a scientific determination made by the EPA that an air pollutant endangers the health and welfare of the American people and, therefore, it must be regulated under the Clean Air Act.

This came about because of a 2007 case, Massachusetts v. EPA. What the Supreme Court said was that the EPA has an obligation to study the impact of global warming. Specifically, the majority opinion found that ''greenhouse gases fit well within the Clean

Air Act's definition of an air pollutant.'' It ordered the EPA to comply with the Clean Air Act and make a determination about whether greenhouse gases could ''reasonably endanger public health or welfare.''

In December 2009, the EPA issued the required final endangerment finding, and that final finding said:

> The emission of six greenhouse gasses, carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride, threaten the public health and welfare of current and future generations.

Accordingly, the Administrator has initiated action to curb these emissions in order to protect the health and safety. Many argue, and I happen to concur, that a national cap-and-trade system on these gases might be more efficient and less costly than having to regulate them under the Clean Air Act. Yet, the Senate has failed time and again to approve climate change legislation. We have dithered while the Earth heats.

That means right now, EPA is the only Federal agency with the statutory authority to protect the American public's health and safety from greenhouse gas pollution.

The Murkowski resolution, however, would throw out this endangerment finding. It would stop EPA dead in its tracks. This would have some real and very serious consequences. First, it would put the Senate on record rejecting scientific analysis of EPA experts. Second, it would block the implementation of a new Federal fuel economy program. Third, it would put the Senate at odds with a coalition of 115 nations that signed the Copenhagen summit agreement. The President has threatened to veto this resolution if it passes, and I would support that veto.

Now, health effects. The EPA's endangerment finding says that global warming will have four significant detrimental human health effects. One, more heat waves will mean more heat-related deaths, which is already the leading cause of weather-related deaths in our country. Two, increased extreme weather events, such as hurricanes, put human lives at risk. Katrina demonstrated that in tragic fashion. And, three, a warmer climate will likely result in an increase in the spread of several food and waterborne pathogens, including tropical diseases.

Finally, and most important to the Chair's State and my State, EPA's endangerment finding states:

> Climate change is expected to increase regional ozone pollution with associated risks in respiratory illnesses and premature death.

California has two of the worst nonattainment regions in the country: the South Coast Basin, including Los Angeles, and the San Joaquin Valley. Experts tells us combined ozone and particulate matter contribute to up to 14,000 deaths and $71 billion in health care costs every year.

Roughly 2.5 million Californians—that is bigger than most of these States in the Western Caucus—2.5 million Californians suffer from asthma, and it is increasing, and other air-pollution-related illnesses.

This is a matter of saving lives. It is a matter of major health concern and welfare, and it should be looked at that way. If temperatures rise as projected, these two regions of our country could see 75 to 85 percent more days with warming-related smog and ozone pollution. Fact. This means more asthma, more lung-related disease, more premature deaths from air pollution. These scientific observations are not political statements. They are fact established by scientific study after study. Yet the resolution offered today would reject this evidence.

The EPA is legally charged with protecting the public's health and welfare from air pollution. Not to do so, in my opinion, is malfeasance.

Additionally, the Murkowski resolution would invalidate the Federal fuel economy program. On April 1, the administration finalized joint standards issued by EPA and the National Highway Traffic Safety Administration, more fondly known as NHTSA, in coordination with the State of California to require automakers to increase fleetwide fuel efficiency from the 2008 average of 27 miles per gallon to the equivalent of 35.5 miles per gallon in 2016. This is important. It is based on the enacted Ten-in-Ten Fuel Economy Act which I authored with Senator OLYMPIA SNOWE and others. That law requires automakers to increase fleetwide fuel economy to the maximum feasible rate beginning with 2011 vehicle models. I have been proud and encouraged to see the administration aggressively implement this program. Yet if EPA's endangerment finding is invalidated by Congress and thrown out, it would mean that the Federal fuel economy program would collapse.

If that happens, California and 14 other States are required to enforce their respective State law, regulating tailpipe greenhouse gas emission standards. According to the auto industry, this would reimpose the very patchwork of regulation they have argued against for many years. This would be a major setback. EPA Administrator Jackson has written that Senator MURKOWSKI's resolution:

> would undo the historic agreement among states, automakers, the federal government, and other stakeholders . . . leaving the automobile industry without explicit nationwide uniformity that it has described as important to its business.

State environment commissioners from nine States have written to Congress to explain that they prefer a national approach, but they will enforce their State statutes as long as the Federal Government refuses to act. So the effect of the Murkowski resolution will be to encourage a State-by-State variation of regulation. Not good. The EPA is the agency we have charged to protect our children and our environment from harmful air pollution. EPA is moving forward slowly and carefully to address this issue. Its proposed rules would apply only to the very largest sources until 2016, 6 years from now. If we in the Senate don't like EPA's proposal, we should pass a climate change bill. But the one thing we should absolutely not do is deny the existence of a problem that science says is severely dangerous to our planet.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. I wish to begin by saying some nice words about the Senator from Alaska. When she ran for the Senate the first time, she ran against one of my dearest friends, former Governor Tony Knowles, whom I tried very hard to elect to the Senate. When he lost, I said: You are here. I want to work with you. I want to be your partner on a whole lot of things.

This is one we cannot be partners and colleagues on. I want her to know, though, there will be other opportunities, and I look forward to those opportunities. Today I am compelled to oppose what she is attempting to do.

As my colleagues are aware, I go back and forth on the train every day and night. Usually before I catch the 7:15 train in Wilmington, I go to the YMCA and work out. Sometimes people talk to me and say: Hi, how are you? Sometimes they try to raise issues. This week a fellow came up to me and said: What is this all about? ''This'' being today's debate on the proposal of the Senator from Alaska. I didn't have time to explore it in detail in order to make my train, but I want to answer his question today.

This is about are we going to be guided by decades of science from thousands of respected scientists or not. This is about are we going to seize the opportunity that is inherent in the adversity we face at home and around the world or not. This is about are we going to get serious about ending our addiction to oil, a lot of which in our country is in places like the Gulf of Mexico, some thousands of feet below the surface of the water or not. This is about are we going to stop sending literally maybe hundreds of billions of dollars every year to places around the world that are unstable, nondemocratic, propping up tyrants who lead countries such as Iran and Venezuela or not. This is about are we going to continue sending troops to places such as Iraq or other places where they happen to have a lot of oil and we want to make sure there is access to the oil or not. This is about whether we are going to jump-start our economy at a time in our history when millions of young people are graduating from colleges, universities, and high schools wondering if they will have the kind of opportunity to find a job and provide for themselves and their families some day, to provide a good life, better than the one they have inherited from their parents. That is what this is about.

We have heard—and I know my colleagues have heard—from thousands of

scientists from all over the country who give us their advice. What are they telling us? Among the things they are telling us is that the Earth is growing warmer. They are telling us that we are part of the cause. They are telling us to do something about it. They are saying to us if we won't do something about it, at least let EPA do the job they have been told by the Supreme Court they have to do under the Clean Air Act. Among the things they have had to do under the Clean Air Act is to provide for ratcheting up the fuel efficiency of cars, trucks, and vans up to about 34 miles per gallon by 2016. The effect of doing that will take something like 50 million cars, trucks, and vans off the road by 2030. That is the kind of thing EPA needs to do, if we will let them.

Who are the scientists we are hearing from? I don't know them all. We have heard from a couple thousand. I know a couple of them well. Their names are Lonnie and Ellen Thompson, professors at Ohio State University, my undergraduate alma mater. They spent a lot of the last 20, 25 years running the polar research center at Ohio State. They have also spent a lot of the last 25 years going around the world climbing up some of the tallest mountains, a lot of them along the equator, where the snow caps give them the opportunity to take ice core samples. Those snow caps over time have actually begun to largely disappear. The ice core samples they still have frozen on the campus at Ohio State give us an opportunity to go back in time and, as we go back in time, to look back as much as a million years. What do we see then? We see over that million years different levels of carbon in the air. Sometimes it is high, sometimes it is low. They have correlated—the Drs. Thompson; I call them the Thompson twins—the increases in carbon with increases in temperature over time and the decreases in carbon with the decreases in temperature. They are correlated. They are positively correlated. Drs. Thompson say we ought to do something about it. We ought to act on that science.

I believe they are absolutely right. We have also heard from scientists that the 10 hottest years in all the years we have been around as a country keeping records are the last 20 years. In an effort to compel the government to take action, all kinds of campaigns have been launched. I heard one from Senator FEINSTEIN talking about drought, fertile farmland turning into desert. Polar bears don't have ice to float on. We see endangered species disappear. Movies are made about extreme weather that is going to flow out of climate change. I am going to leave it to others to pursue those particular agendas or examples. I want to focus on a couple I am more familiar with. One is Delaware, where I live. The other is Florida, where my parents lived for the last 30 years of their lives.

This is Delaware, outlined here in black. If the melting that is going on in Greenland and the west Antarctic ice sheets continues, if it continues over the next 100 years or more, this will no longer be Delaware. The green area right here will be Delaware. People won't go to Rehoboth Beach anymore or Bethany or Dewey Beach. They will be looking for a beach up here in Dover. They won't be going go to NASCAR races in Dover. They will be going to a sailboat regatta in Dover. Ocean View, which doesn't have an ocean view, will be under the ocean.

Let's take a look at Florida with about a 1-meter rise in sea level. My parents lived in Clearwater just around here in St. Petersburg and Tampa. The place where they used to live will be largely under water. They lived about a half mile from the gulf. It will be pretty much under water. Look at south Florida, go to South Beach. When we have 1 meter of sea rise, we won't find it. It will be under water. What happens with 6 meters of sea rise? The red part is the parts of Florida that are basically under water. Most of the people who live in Florida live in the parts in red. Where are they going to live? I guess they can come inland a little bit, but they won't be living in the area that turns red because they would otherwise be under water.

There is a saying that all politics is local. That has been true for a long time, and it is still true. The highest point of land in Delaware is a bridge. When we get a couple feet of sea level rise, the outline of our State changes dramatically. The quality of life in a State that is under water changes dramatically as well. The same is true of Florida and a bunch of other coastal States.

What do we need to do? We need to unleash market forces, put millions of people to work building new nuclear powerplants, finding ways to take carbon dioxide coming out of coal-fired plants, turning it into a concrete aggregate to build roads, bridges, finding ways to take the CO_2 coming off coal-fired plants and turning it into biofuels. We need to deploy off of our shores windmill farms. We need to deploy windmill farms from North Carolina all the way up to Maine. We need to take that electricity we are generating from the wind and use that to power vehicles such as the Chevrolet Volt that will be launched this fall or the Fisker Karma cars of Project Nina that are going to be launched in a year or so, built in Delaware. They get 100 miles per gallon. We need to make sure that the cars, trucks, and vans that GM and Chrysler are prepared to build, 44 miles per gallon, that when they build them, somebody will be there to buy them.

Let me conclude with the words of a friend of Senator BOXER, an eminent climatologist named Stephen Stills. He wrote a great song that says: ''Something's happening here; what it is ain't exactly clear.''

It is clear to me. Our planet is getting warmer. It is clear to me the great challenges that poses for all of us. But inherent in those challenges are great opportunities. The thing we have to do is seize those opportunities, to seize the day.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I yield 5 minutes to Senator MENENDEZ, followed by 5 minutes to Senator CARDIN.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Madam President, I thank the distinguished chairman for yielding. I come to the floor in strong opposition to the Murkowski resolution because it means we will needlessly use more oil. That is why the oil industry supports this resolution, because this resolution would increase demand for their products. In turn that is why so many of my Republican friends support this resolution, because whenever big oil wants something, it seems they line up to support it. When the Republicans were in charge of MMS, they stripped the government's ability to regulate oil drilling. Anyone who has turned on the news in the last 52 days can see exactly what the policy of allowing industry to police itself has gotten us. Now they want to go further and strip the government's ability to reduce our oil consumption and regulate pollution. This is simply a wrongheaded approach at the wrong time.

This is not the time to increase oil consumption by more than 450 million barrels, which this resolution would ultimately do. This is not the time to prop up big oil, make ourselves less energy secure, and put our coastlines in further peril.

The events unfolding in the gulf have vividly shown us we should not be doubling down on 19th-century dirty fuels but, instead, moving to clean technologies of the 21st century that will reinvigorate our economy, allow our businesses to compete internationally, improve our energy security, and preserve the environment.

The resolution is regressive on its face. For my home State of New Jersey, it would increase dependence on oil by more than 14 million barrels in 2016 and cost New Jerseyans an additional $39 million at the gas pump in 2016.

The Federal Government gives big oil tax breaks. It gives big oil subsidies. The government even gives big oil, so far, a cap on damages stemming from oilspills. The resolution is just one more windfall for big oil at the expense of American taxpayers.

So the choice is clear: We can keep protecting big oil from regulation or we can do what reason, common sense, and good governance dictate. In light of the facts—in light of the need to reduce pollution; in light of the need to move toward new, smarter, greener energy for the future; in light of what we are seeing happen every day in the gulf—over the last 52 days—in light of the fact that this resolution would cost

consumers as much as $47 billion in additional fuels costs, I hope the Senate soundly defeats the Murkowski resolution.

This is a choice between polluting our environment—and stopping the government from ensuring we do not pollute our environment—and moving toward a cleaner, greener future. This is a choice between a quality of life that ultimately reduces respiratory ailments and cancer versus one that continues to perpetuate it. The choice could not be clearer. I certainly hope my colleagues will ultimately vote for a choice that is greener, that has a future of promise and hope and opportunity, not one that continues to help big oil at the expense of the American taxpayer.

With that, I yield back any time I may have to the chair.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Madam President, as the world is looking at the worst oilspill in America's history—it may yet become the worst oilspill ever—everyone is saying: Well, what are we going to do about this? What is our response? Our response needs to be, first, to stop the oil from spilling into the Gulf of Mexico; second, to make sure we clean up this mess and hold BP and its related companies fully responsible for all damages, whether to the businesses that have been put out of business, literally, by what has happened in the Gulf of Mexico or the property owners or the taxpayers. BP has to be held fully accountable.

They are looking forward to us making sure that future drilling in this country is done in a safe way; that we have a regulatory system in place that protects the public, that is independent, and that will protect environmentally sensitive areas where there is currently no drilling, such as the Mid-Atlantic, from any drilling. But they are also looking for us to have an energy policy—an energy policy that makes sense for America; that we invest in alternative and renewable energy sources; that we conserve energy; and that, yes, we manage our mineral resources as best we can and use less oil.

Well, the Murkowski resolution does just the opposite. It is very strange, the timing of this resolution, that we are taking up what would prevent the EPA regulations and would require us to use more oil rather than less oil. That makes no sense at all. It stops dead in its tracks efforts to cut the oil consumption of cars and trucks sold in America. You may ask why this resolution is being considered. Well, it is clearly supported by big oil. But whose side are we on? Are we on the side of the American consumers or on the side of big oil?

On April 1, the Environmental Protection Agency and the Department of Transportation completed standards to decrease the oil consumption in model years 2012 through 2016 cars and light trucks sold in the United States. Those standards will result in vehicles that will use almost 2 billion barrels less than current models. That is what we should be doing: using less oil. That needs to be part of our future.

On May 21, President Obama directed EPA and DOT to follow up over the next 2 years with standards for trucks and buses starting with model year 2014 and for cars and light trucks starting with model year 2017. Those follow-on standards will further reduce U.S. oil consumption by billions of barrels.

But the Murkowski resolution would compel EPA to rescind its portion of the completed standard and prevent the Agency from taking part in the follow-on ones—in other words, stopping us from improving the efficiency of our fleets, causing us to use more oil.

Not surprisingly, big oil is trying to disguise their resolution as something other than what it is. They claim it is necessary to prevent EPA from regulating the greenhouse gas emissions of small businesses and even homes and farms. Nothing could be further from the truth. As every Senator knows, EPA has already issued a final rule to shield small businesses, to shield homes, to shield farms, and to shield all other small sources from regulation for at least the next 6 years. Six years is more than enough time to pass a law making the exemption for small sources permanent.

The resolution of disapproval has just one certain outcome: that America's dangerous dependence on oil will continue. We cannot allow this resolution to be approved. It would eliminate the legal foundation of the EPA oil-savings standards that are essential to breaking our addiction to oil.

It is time to decide whose side you are on. I choose the side of the American consumer, and I ask my colleagues to stand with me and reject the Murkowski resolution.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Madam President, I ask that the time in this block be allocated as follows: Senator BOND, 6 minutes; Senator COLLINS, 7 minutes; Senator ENZI, 6 minutes; Senator CHAMBLISS, 6 minutes; Senator BROWNBACK, 5 minutes.

Mrs. BOXER. Madam President, I have a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Do we have 2 unused minutes?

The PRESIDING OFFICER. The Senator is correct.

Mrs. BOXER. I would ask if we could carry that time to the next segment, please.

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

The Senator from Missouri.

Mr. BOND. Madam President, I rise in support of the Murkowski EPA disapproval resolution. We must prevent the U.S. Environmental Protection Agency from imposing a backdoor energy tax on suffering families and workers. This is our chance to stand with American families and workers and stand against unelected bureaucrats at EPA trying to expand government's reach.

Missouri families and workers do not want the higher energy costs and lost jobs that would come from allowing EPA's big government carbon regulations to go forward. Missouri manufacturing workers, like those in States across the Midwest, are dependent on affordable energy. Missouri workers would suffer terribly when EPA's carbon regulations drive up the cost of their energy and raw materials. Allowing the regulations to go forward would allow India, China, and other counties to take those energy-intensive jobs away from American workers. Missouri families, like those in States across the Midwest, are struggling to pay their power, heating, and cooling bills. Missouri families would suffer even more when EPA carbon regulations drive up the cost of their electricity, gas, and gasoline bills. Allowing EPA carbon regulations to go forward would punish Missouri families with higher energy prices.

Like all families and workers in the Midwest, Missourians wonder why we would allow EPA to impose this punishing pain for no environmental benefits. Let me make it clear: For those who want to talk about what this vote means for the science of global emissions, EPA itself admits that unilateral U.S. actions, without China and India, which have clearly indicated they will not take action, will have no measurable impact on world temperatures. So if you actually believe the climate science and want world temperatures to stop rising, these EPA regulations will do nothing to address your concerns. You are basically telling us you want to impose trillions of dollars in costs, hundreds of billions of dollars in new taxes, and hundreds of billions of dollars in new government spending for no environmental gain.

Some also try to hide behind the auto deal between EPA, the State of California, and automakers. We should not punish Midwestern families and workers with a new energy tax in order to uphold some backroom deal between EPA, the automakers, and the State of California.

Even so, these EPA regulations are totally unnecessary for those who care about reducing carbon emissions from vehicles. Let me be clear: Congress has already authorized the Department of Transportation to impose new, stricter auto emissions standards, and the Obama administration announced recently they were going to do so.

So, again, opponents want to punish American families and workers with job-killing energy taxes for no net environmental gain.

Some also say this issue is linked to the gulf oilspill and we should respond by allowing EPA's new backdoor energy taxes. For the life of me, I do not

see how imposing a new national energy tax is the right response to the gulf oilspill. It will not stop the oil from flowing, it will not mitigate the environmental damage, and it will not compensate the workers and others for lost wages and revenue. We should be punishing British Petroleum, not the American people with new taxes. And do not be misled about the empty rhetoric against big oil. Big oil just passes along the cost of these taxes to us in higher prices for the gas and oil we must buy and we must use.

But some, as they say, never want to let a crisis go to waste. Unfortunately, many of my Democratic colleagues seek any opportunity to expand the reach of government and impose new taxes. They admit it, too, although they use fancy ways to say it. This week, President Obama repeated his call for ''putting a price'' on carbon. These are code words for imposing a carbon tax.

We also need to stop and think about what the majority leader has said. He and others have said that if EPA is allowed to move forward with their carbon regulations, it will cut oil usage. The reason is because this new energy tax will punish American consumers with so much pain at the pump, they will use less gasoline because they cannot afford it. It is like saying we need another recession because in a recession people drive less. We want recessions? That is hardly the way to make the economy thrive and make the progress we need.

We must stop this policy of pain. We must stop EPA from moving forward with job-killing, energy cost-raising regulation. The choice is stark: Stand with EPA bureaucrats imposing a backdoor tax or stand with American families and workers. I urge my colleagues to stand with American families and workers and support the Murkowski amendment.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Madam President, I rise to speak in support of the resolution offered by the Senator from Alaska disapproving a rule submitted by the Environmental Protection Agency concerning the regulation of greenhouse gas emissions under the Clean Air Act.

Our country must develop reasonable policies to spur the creation of green energy jobs, lessen our dangerous dependence on foreign oil, and reduce greenhouse gas emissions. We face an international race to lead the world in alternative energy technologies, and we can win that race if Congress enacts legislation to put a price on carbon and thus encourage investment here in the United States.

I have, however, serious concerns about unelected government officials at the EPA taking on this complicated issue instead of Congress. It is Congress that should establish the framework for regulation of greenhouse gas emissions. And it surely is significant that the House-passed climate bill, as well as the Kerry-Lieberman bill, recognized that fact by preempting some of the EPA's rules in this area.

The Agency's early rules on this topic give me cause for concern. They could affect some 34 businesses in my State that employ nearly 8,800 people. Incredibly, the EPA proposes to ignore the carbon neutrality of biomass and would place onerous permitting requirements on businesses, such as Maine's biomass plants and paper mills, which use biomass to provide energy for their operations. This reverses years of EPA considering biomass as carbon-neutral.

EPA's decisions could well result in the loss of jobs, leading to mill and plant closures and discouraging employers from investing. We simply cannot afford that result, particularly not in this tough economic climate. The EPA's apparent stunning reversal in its view of biomass potentially would affect 14 biomass facilities in Maine in small rural towns such as Ashland, Fort Fairfield, and Livermore Falls.

A better way forward is for Congress to finally tackle this issue and pass comprehensive clean energy legislation. In December, I joined with my colleague, Senator MARIA CANTWELL, in introducing the bipartisan Carbon Limits and Energy for American Renewal Act, what we call the CLEAR Act. Our legislation would set up a mechanism for selling ''carbon shares'' to the few thousand fossil fuel producers and importers through monthly auctions. Under our bill, 75 percent of the auction's revenues would be returned directly to every citizen of the United States through rebate checks. The average family of four in Maine would stand to gain almost $400 each year. Our bill represents the right approach, a much more thoughtful approach than EPA's, and it would spur the development of green energy and the creation of green energy jobs.

I look forward to working with my colleagues to advance the practical concepts that are embodied in the CLEAR Act.

Let me be clear because there are diverse views on this issue in this Chamber. I believe global climate change and the development of alternatives to fossil fuels are significant and urgent priorities for our country. We must meet these economic and environmental challenges. The scientific evidence demonstrates the human contribution to climate change, and we must act to mitigate that impact. But we must proceed with care, and we should not allow the Federal EPA to charge ahead on a problem that affects every aspect of our already fragile economy. The preliminary steps the EPA has taken, including its decision to revisit the carbon neutrality of biomass, undermine my confidence in having the EPA proceed. It is Congress's job, not the EPA's, to decide how best to regulate greenhouse gas emissions.

So for this reason, I will vote for the Murkowski resolution.

Thank you, Madam President.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Madam President, I rise in support of Senator MURKOWSKI's resolution that would ensure this Congress keeps its responsibility to establish our Nation's environmental regulations. The Environmental Protection Agency's move to regulate carbon dioxide under the Clean Air Act is an economic and bureaucratic nightmare in the making that is going to have a devastating effect on our economy and put a regulatory stranglehold on businesses and individuals across the country.

The Congressional Review Act was passed in 1996 to make sure Congress could step in when Federal agencies got off track. It was a bipartisan bill because Senators and Representatives recognized we should not hand off our responsibility for setting Federal policy to Federal agencies. So when Federal agencies get off track, we have a way to bring them back to reality. We need to bring the EPA back to reality on the catastrophe that regulating greenhouse gases under the Clean Air Act would create because if we don't, it will be consumers and businesses—both small business and big business in every sector of our economy—that will end up paying more than they can afford for these regulations.

The consequences of allowing the EPA to regulate carbon dioxide under the Clean Air Act are tremendous. The EPA's rule that will go into effect if Senator MURKOWSKI's resolution is not adopted would not just apply to big powerplants or industrial factories. More than 6 million businesses and residences will come under these new regulations at a cost of billions of dollars to our economy. The EPA is going to regulate small business and family farms, and those who can't afford to comply will go out of business. They will regulate office buildings and warehouses, and if you rent space in an office building or store your inventory in a warehouse, your costs will rise. Grocery stores, restaurants, hotels, residential buildings, and even individual homes will face complicated and expensive regulations.

It is not just Members on my side of the aisle who believe the EPA is taking a disastrous approach. The White House and members of the President's party have said EPA's move to impose ''command and control'' regulation on greenhouse gases would be a step in the wrong direction.

Where would the regulations stop? No one knows for sure. Cattle produce a lot of carbon dioxide and methane, so it is hard to imagine how the agricultural industry would not be impacted. What about people? In a big city, people are breathing out carbon dioxide all day long. Could that be subject to regulation under the Clean Air Act? Could breathing become a fineable violation or would there be a new tax as breathing isn't an option?

There will be many unintended consequences if the EPA is allowed to move forward, and we have a chance to stop that from happening today by supporting Senator MURKOWSKI's resolution disapproving the EPA's action.

Our economy has lost 8 million jobs over the past 2 years, and unemployment is still almost 10 percent. Businesses that had to lay people off are still hurting. The last thing our economy needs and the last thing businesses can afford is an EPA choke hold. According to the EPA, the average cost of compliance for stationary sources that would be regulated is more than $125,000. That is an average cost. Some will be less, but many will be more than $125,000. It is just an average. That is $125,000 that could be used to hire new employees. It is $125,000 that will not be spent on business expansion. Right now, with our economy struggling, we need to be working to encourage businesses to hire more employees and to grow, but unless we stop the EPA's overreach, businesses across this country will be facing the harshest and most expensive regulations they have ever seen.

Some people have suggested that EPA's decision to move forward with greenhouse gas regulation will pressure Congress into implementing a cap-and-tax proposal. They say: We don't want EPA to regulate, but we have to keep pressure on Congress or Congress would not act. I don't buy that argument because, as the old saying goes, ''two wrongs don't make a right.''

Senators are faced with a choice. If it is wrong for the EPA to regulate, they should stop it from happening, and supporting Senator MURKOWSKI's resolution is the clearest way to do it. My colleagues who oppose this resolution are voting in favor of EPA action. They are voting to allow the EPA to set up complex regulations that will strangle our economy, kill economic recovery, and further squeeze consumers and businesses across the country. It is the start of a slippery slope. How much control will the EPA reach for after this if it isn't stopped now?

The Clean Air Act is not the EPA's regulatory Swiss Army knife.

Even EPA Administrator Lisa Jackson has said that the Clean Air Act was not written to apply to greenhouse gases. Greenhouse gas is not one of the six categories of pollutants that the Clean Air Act covers and the list of 188 specific pollutants that are regulated under the Clean Air Act does not include carbon dioxide or methane. Even if Congress did decide that carbon dioxide and other greenhouse gases should be regulated, the Clean Air Act would be the wrong tool for the job. Greenhouse gases come from large and small sources, from major manufacturers and industrial plants and from community hospitals and small-town businesses. And yes, they come from animals, and yes, from people breathing in and out. Applying the Clean Air Act across the board to sources that emit a small amount of carbon dioxide—as the law requires—would be clumsy and harmful, and ultimately do tremendous economic harm to America's businesses and consumers.

The Congressional Review Act was passed so that Congress could step in and prevent federal agencies like the EPA from implementing rules or regulations that don't make sense. I hope my colleagues will recognize the tremendous harm that allowing the EPA to regulate greenhouse gases under the Clean Air Act would do to our economy. While there are many disagreements about climate change legislation, we should all be able to recognize that the course the EPA is on now is the worst of all worlds. Their approach would stymie our chances of recovering from the recession and stifle economic development for businesses and consumers who are already struggling to make ends meet.

Is there no end to the administration's approach of believing that any situation can be saved with more red-tape, more regulations, and more fines? Is there any end to the power grabs of this administration, which has thrown every obstacle it can think of in the path of our small businesses? Supporting the Murkowski resolution would check the EPA and give our small businesses that make up the most important part of our economy a fighting chance.

This is the last chance to stop the EPA's carbon overreach and the slippery slope that will ensue if we allow them to move forward with these harmful regulations. Please vote yes on the motion to proceed and yes on the motion for disapproval.

I yield the floor.

The PRESIDING OFFICER (Mr. BURRIS). The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I rise today in support of S.J. Res. 26, the resolution disapproving a rule submitted by the Environmental Protection Agency, EPA, relating to the endangerment for greenhouse gases under the Clean Air Act.

Today's debate and this resolution are about whether this Congress will allow an executive branch agency—EPA—to unleash a regulatory onslaught that within a few years will capture homes, small businesses, farms, hospitals, and apartment buildings in an expensive, intrusive, and bureaucratic regulatory program. The consideration of this resolution is about preserving the traditional and constitutional role of Congress as the elected representatives of the citizens of this country to make necessary and proper laws for the Nation.

Congress is the appropriate branch of the Federal Government to debate and design a climate change policy. Many have complained that the Senate is taking too long to do this, but that doesn't mean EPA should go ahead and regulate on its own. It is also highly cynical for administration officials to suggest that the specter of EPA regulations should force Congress to act. I don't appreciate the implied threat that if Congress doesn't go along with EPA then the agency will impose costly regulations.

Many argue that passage of the resolution would prevent increases in the vehicle fuel economy and undo the ''historic'' agreement among the Federal Government, several states, labor unions, and the auto industry. It doesn't. The National Highway Traffic Safety Administration—NHTSA—has had authority to regulate and increase Corporate Average Fuel Economy—CAFE—standards for more than 30 years. In fact, Congress directed the agency to increase the standards to at least 35 miles per gallon by 2020 in the 2007 Energy Independence and Security Act. And these new standards will reduce greenhouse gas emissions. EPA's activities on fuel economy through its so-called tailpipe rule are unnecessary to achieve the desired results, given the authorities already held by NHTSA.

Many also argue that passage of the resolution is contrary to the science of climate change. A letter generated by the Union of Concerned Scientists claims the resolution ''ignores'' the scientific findings of EPA and the Intergovernmental Panel on Climate Change, and that the resolution is an ''attack'' on the Clean Air Act. They must not have read the resolution as even a cursory review of it will dispel this notion.

The resolution states, ''That Congress disapproves the rule submitted by the Environmental Protection Agency relating to the endangerment finding . . . and such rule shall have no force or effect.'' This means the agency cannot use the Clean Air Act to control greenhouse gas emissions. This does not speak to the issue of whether climate change is happening or what is causing it. Those who claim the resolution ignores science appear to be avoiding the debate over the economic consequences and legal validity of EPA's approach. I also believe that they are attempting an end-run around a skeptical Congress. I am sorry, but that is not how the American system of government works.

I know the climate in changing. In 2006, I visited Greenland. I toured the Kangia Ice Fjord and took a boat tour of Disko Bay to view the world's largest glaciers and icebergs floating in the bay. These glaciers were formed more than 1,000 years ago. I saw the glaciers melting and the remains of a 4,000-year-old village. Obviously, it was warm enough in the past for humans to live and thrive in that part of the world, even though in recent memory we only think of Greenland as covered in ice. I talked to the scientists who have studied Greenland's glaciers for decades. They told me that while the climate is changing they don't know with any certainty if the changes are natural or caused by human activity or a combination of the two. I found it interesting that while some glaciers are

melting, some are increasing in size. We just don't see what is happening on the back side.

The President and the Administrator of EPA, Lisa Jackson, have said their preference is for Congress to act. They know the Clean Air Act was not designed for controlling greenhouse gases. Yet they are swiftly moving ahead. Last week, EPA issued a final rule for regulating greenhouse gas emissions from stationary sources under the Clean Air Act's permitting programs. The so-called tailoring rule is the fourth significant action taken by the administration to regulate greenhouse gas emissions.

The first major action was EPA's determination—the Endangerment Finding—that greenhouse gas emissions from cars and light-duty trucks endanger human health and welfare. On April 1, 2010, EPA finalized the light duty vehicle rule controlling greenhouse gas emissions. Under the Clean Air Act, when a pollutant becomes subject to regulation by one provision of the Act, it then becomes subject to regulation under other provisions. Hence, greenhouse gas emissions are now subject to regulation under the Prevention of Significant Deterioration—PSD—and title V operating permit programs. It is only a matter of time before greenhouse gases are subject to other provisions in the law, such as national ambient air quality standards.

Under current law, the title V program permitting requirements are triggered when a facility releases 100 tons per year of a regulated pollutant. For the PSD program, the threshold is 250 tons per year. In the final rule, EPA ''tailors'' the application of the programs to significantly higher threshold levels. Without the tailoring rule, EPA estimates that about 6 million sources, including 37,000 farms and 3.9 million single family homes, will be required to obtain Clean Air Act permits.

EPA's own documents call the tailoring rule a commonsense approach to addressing greenhouse gas emissions from stationary sources under the Clean Air Act permitting programs. But I don't follow the agency's logic. The rule states emissions from small farms, restaurants, and all but the very largest commercial facilities will not be covered by these programs at this time. The rule establishes a schedule that will initially focus the permitting programs on the largest sources and without this tailoring rule the lower emissions thresholds would take effect automatically for greenhouse gases on January 2, 2011.

The agency, in its proposed rule, recognized the inherent problems with using the Clean Air Act. The proposed rule states, ''This extraordinary increase in the scope of the permitting programs coupled with the resulting burdens on the small sources and on the permitting authorities was not contemplated by Congress in enacting the PSD and Title V programs.'' It further states that, ''The new rules would apply Title V to millions of sources Congress did not intend to be covered and would impede the issuance of permits to the thousands of sources that Congress did intend to be covered.''

It is cold comfort that the smallest sources will not be regulated until 2016. We have a rule now that says it is not if but when hospitals, farms, small businesses, and apartment buildings can expect to have to apply for a clean air permit. We can only imagine what will happen to the economy if EPA is successful and its plans to fully regulate greenhouse gas emissions under all of the authorities of the Clean Air Act come to fruition.

One of the most troubling aspects about the tailoring rule and EPA's approach to its suite of greenhouse gas regulations is that there is no economic analysis. The agency hasn't even attempted to quantify the economic costs and regulatory burdens it will impose on American businesses and consumers. We have no idea what it will mean for jobs, economic growth or small businesses. Even though we can't quantify it or point to a document, it is not hard to imagine the significant costs it will impose.

While EPA isn't worried about this, States, businesses, unions, and individuals are. For example, in March, 20 Governors, including Governor Sunny Purdue of Georgia, wrote House and Senate leadership expressing grave concern about EPA's efforts to impose greenhouse gas regulations. They believe EPA's actions will place heavy administrative burdens on State environmental quality agencies just as States are expected to face their worst financial situations over the next 2 years. The Governors also are concerned that the regulations will be costly to consumers and could be devastating to the economy and jobs. The Governors believe that complex energy and environmental policy initiatives should be developed by elected representatives at the State and national level but not by a single Federal agency.

While Georgia believes the final rule is an improvement over the proposed one, there are still significant concerns. Most notably is its legal vulnerability. I quote from the Georgia Department of Natural Resources, Environmental Protection Division, Air Protection Branch comments on the proposed rule:

> The GHG Tailoring Rule appears to be legally vulnerable and may not provide intended relief from the statutory permitting thresholds for PSD and Title V. If the Tailoring Rule is vacated, the workload for permitting authorities will increase exponentially at a time when State and Local governments are experiencing severe budgetary challenges due to the current economic climate. Vacatur of the GHG Tailoring Rule seems to be a very real possibility.

The letter further states:

> We also believe that EPA has failed to take into account the length of time that it will take for permitting authorities . . . to go through rulemaking, . . . hiring, and training in order to implement the mandate of regulating GHG emissions under the Title V and PSD permitting programs. In Georgia, rulemaking will be required in order to insert the new GHG emission thresholds. Rulemaking will also be required in order to increase Title V fees consistent with the Clean Air Act requirement that permitting programs collect enough revenue to implement the program requirements. Given the current state of the economic situation in our state and country, this issue should not be taken lightly. Then, permitting authorities must hire and train staff to issue these complicated permits. This could take up to two years after the requirement is triggered. Raising the regulatory threshold will not abate the predicted permitting backlog if additional permitting personnel are not in place at the time the additional workload occurs.

EPA is moving ahead despite these concerns and the economic consequences of its plans. They will increase energy prices, add to administrative costs for companies, decrease job creation, and create a large new government bureaucracy, which will endanger economic recovery and limit future growth. While the final rule with its phased-in implementation is a small step in the right direction, the Clean Air Act continues to be the wrong tool for the job, and EPA's timeline and its shaky legal foundation will continue to create significant uncertainty for the State permitting agencies and businesses community.

At this time, there is no other option to stop EPA from moving ahead. Some of our colleagues have introduced measures to provide for a time out; others are looking at ways to codify the tailoring rule and provide permanent exemptions for small businesses. However, there are no plans for the Senate to consider these measures. If there were another option, I would be open to it.

The Congressional Review Act was designed for the purpose of reviewing agency actions. The majority leader understands this and recognizes that, ''overburdensome and unnecessary federal regulation can choke the life out of small businesses by imposing costly and often-ineffectual remedies to problems that may not exist.'' No description could be more accurate about EPA's greenhouse gas regulatory plans.

Some argue that it would be a dangerous precedent for Congress to stop EPA's endangerment finding. However, it is far more dangerous for the Nation if Congress allows an agency to impose these regulations under a law that was not designed for the purpose. By issuing the tailoring rule, the administration has again reminded us that if Congress won't legislate, EPA will regulate. I believe my colleague from Alaska was correct when she called this a highly coercive strategy. I am appalled by the actions of EPA.

There is a reason why the U.S. Senate hasn't acted on a cap and trade bill. This is because analyses of these bills shows they cause significant economic harm—job losses, higher energy prices, higher gas taxes, less economic growth.

It makes no sense for Congress to pass job-killing legislation in order to stave off costly regulation.

The House and Senate cap and trade bills are truly bad for agriculture. They would dramatically increase energy and other input costs and, according to EPA, would cause the shift of 59 million acres out of production into trees. With a growing world population to feed, our farmers and ranchers will need to produce more food in the future, not less. If enacted as written today, cap and trade legislation would only push agriculture production overseas, raising many of the same concerns that have been expressed about the loss of manufacturing jobs.

Rather than driving American agriculture offshore, a more sensible approach would be to increase food, fuel, and fiber production right here at home. In this Nation, we have an abundant natural resource base, an economy built on open and transparent markets, and sufficient protections for consumers and the environment.

Last fall, Texas A&M University released a study on the House cap and trade bill. I mention it again today because it is most instructive of what we can expect to see in the agricultural sector under a cap and trade regime.

Texas A&M University used its representative farm database to study the effects of the House bill at the farmgate level. This database was developed to help Congress better understand the effects of legislation at the individual producer level. The study shows that 71 out of 98 farms in the database will be worse off under the House bill. The 27 farms that benefit do so because other producers go out of business they benefit because there are fewer acres in production, thus crop prices rise.

Some producers will see increased revenue from an offset program, but it is not a significant factor in the profitability of farms in the analysis. The study also dramatically shows the regional disparities of the House bill. Only some cornbelt farmers benefit. It's hard to imagine that members of the Senate Agriculture Committee will be able to endorse a policy that disproportionally favors certain commodities, few producers and one part of the country at the expense of others.

In January, 150 agriculture organizations sent a letter to my colleague from Alaska supporting the introduction of the resolution. These groups wrote that, ''Such regulatory actions will carry severe consequences for the U.S. economy, including America's farmers and ranchers, through increased input costs and international market disparities.'' They also believe that, ''EPA's finding puts the agricultural economy at grave risk based on allegations of a weak, indirect link to public health and welfare and despite the lack of any environmental benefit.''

On May 18, I received another letter from 49 different agriculture groups. They state:

> Without relief from Congress, we fully expect the application of these programs to have severe economic impacts on agriculture. Not only will producers likely incur increased costs as a result of the regulatory impacts on other economic sectors, but agricultural producers will eventually be directly regulated. The final EPA tailoring rule estimates the average cost for these permits is $23,200 per permit. For the 37,000 farms identified by EPA as likely to require permits this would cost them more than $866 million just to obtain the permit.

In contrast to the campaign slogans and feel-good messages of hope and change for farmers, ranchers and rural America, this administration is causing great pain through its actions, especially its economic policies and far-reaching regulatory programs and goals. The endangerment finding and related regulations are only one set—albeit a very significant set—of regulatory actions facing producers and rural America. By themselves, these will impose higher energy costs on rural residents and businesses. Higher costs in rural areas mean fewer jobs and opportunities for those who live there.

Another immense expansion of Federal regulatory authority that will have severe consequences for producers and rural landowners is the administration's support for legislation to grant EPA and the U.S. Corps of Engineers—Corps—nearly unlimited regulatory control over all ''intrastate waters,'' including all wet areas within a State, such as groundwater, ditches, pipes, streets, gutters, and desert features. The administration supports giving EPA and the Corps unrestricted authority to regulate all private and public activities that may affect intrastate waters, regardless of whether the activity is occurring in or may impact water at all. Unbelievably, the administration supports eliminating the existing regulatory limitations that allow commonsense uses such as those allowed with a prior converted cropland designation. I strongly oppose this effort to expand EPA's and the Corps' regulatory control. I do not believe the Federal Government should regulate all wet areas within a State.

The administration also is attempting to circumvent one of the most highly regarded environmental statutes—the Federal Insecticide, Fungicide and Rodenticide Act, that governs the licensing and use of pesticides. This is a well-crafted law that balances the risks and benefits of pesticide use. EPA has an excellent staff of scientists and experts working in this area. However, the agency's political leadership is trying to implement by regulatory fiat a precautionary approach, which is contradictory to current law.

For example, last fall, EPA proposed to add language to pesticide product labels that will forbid pesticide applications that result in drift that could cause harm or adverse effects. For many years, EPA and state pesticide regulators recognized that a small amount of drift inevitably will occur, and that when pesticides are applied according to their label instructions, this small amount of drift does not cause an unreasonable adverse effect. If an unreasonable adverse effect is likely to be caused by a certain use of a pesticide, FIFRA requires, and Congress expects, the label to reflect that information and appropriate mitigation be required.

In April, I wrote to EPA, along with the chairman of the Senate Agriculture Committee and other colleagues, about the need for greater clarity in pesticide drift policy and noted that such clarity would benefit the agency, pesticide users and State regulatory agencies. However, we noted that the proposal set forth vague standards and would not have clarified pesticide drift policy. It also exceeded the authority granted to the agency by FIFRA. We asked the proposed policy to be reconsidered. I am pleased to note that recently EPA made the right decision to do so.

One other issue I raise reflects the administration's willingness to cast aside rational, science-based policy when given the opportunity to impose additional regulation. In January 2009, the Sixth Circuit Court of Appeals issued an opinion in National Cotton Council v. U.S. Environmental Protection Agency that would require pesticide applications to be permitted under the Clean Water Act's National Pollutant Discharge Elimination System—NPDES. The permit would be in addition to any label requirements or restrictions already placed on the use of the pesticide under FIFRA.

Unfortunately, the administration refused to appeal the decision even though it admitted in a filing with the U.S. Supreme Court this year that the Sixth Circuit Court reached the wrong decision. Pesticides are not pollutants under the Clean Water Act and have never been. Instead, EPA, for political reasons, has been working to develop a NPDES general permit for discharges from the application of pesticides. EPA released the draft permit last week for public comment and will issue a final permit in December 2010. Pesticides applications must be covered by a permit by April 9, 2011. Is your State ready to issue these permits? Are your producers and applicators ready to apply for them?

This has been a particular concern for State and public health officials as it has the potential to seriously affect their ability to control mosquitoes, especially those carrying the West Nile Virus. According to the Centers for Disease Control and Prevention, there were 720 cases, including 32 deaths, attributed to the virus in 2009. This is better than 2008, in which there were 1,370 cases, including 37 deaths. In 2009, two of those deaths were in my home State of Georgia.

Talk about overburdensome, unnecessary regulation! Requiring producers, pest control agencies and other users to obtain NPDES permits will do nothing to enhance the environment. It

only doubles the number of permitted entities and creates new requirements for monitoring, surveillance, planning, recordkeeping, and reporting that only will create significant delays, costs, reporting burdens and legal risks from citizen suits. These permits will provide absolutely benefit only cost.

All issues regarding water and pesticides are addressed by EPA as part of the pesticide registration process. If there are concerns, mitigation is required. We are fortunate we have a strong law that requires rigorous science and careful balancing of risks and benefits.

The Endangerment Finding and related rules, along with the other environmental regulations planned by the administration will hurt the productivity of American farmers and ranchers and make the future for U.S. agriculture far less bright than it should be. These actions are basically a backdoor tax on every American family and business by unelected bureaucrats. Federal regulation is not the key to success or jobs in rural areas or in any other part of this Nation.

Some claim that EPA's actions should scare Congress into passing a cap and trade bill, but I disagree. Congress should not be bullied into passing bad legislation and neither should it stand for an agency that is vastly overreaching. The choice is clear to me—do Senators want EPA to impose a regulatory regime that it has tenuous authority to create or do you want Congress to make the laws of the land? If you believe Congress should develop laws and set policy, then vote in support of the resolution. I strongly oppose EPA's actions and plan to vote yes on the Murkowski resolution.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. Mr. President, I thank my colleagues for this discussion we are having. I was here when the Congressional Review Act was put into place for the very purpose it is being used for, which is when we have a Federal agency that overreaches and seeks to put in place a regulation that will cost tens of billions of dollars, without any legislative action taking place, the Congress should step in. That is what the Congress is seeking to do with this—step in on something that has enormous economic consequences, enormous costs across society, and yet has not been voted on by this legislative body.

Clearly, if we are going to do something of this nature, it should pass the Senate. It should come up in front of this body.

Toward that end, I tell my colleagues we have a bipartisan energy bill that passed through the Senate Energy and Natural Resources Committee, the American Clean Energy Leadership Act of 2009, which Chairman BINGAMAN worked through his committee over a month's period of time, that has a number of issues regarding renewable energy, regarding nuclear technology, to reduce CO_2 emissions. Lots of things are in it. It passed in a bipartisan way through committee.

That is what we ought to bring up on the Senate floor. We should pass the Murkowski disapproval resolution so that EPA doesn't act prematurely before the Congress acts. We should bring up the bipartisan American Clean Energy Leadership Act of 2009, consider it, and use that as the route forward for us as a legislative body to act on a major issue facing our country, without having it done by fiat by an unelected bureaucracy, which is going to make people mad, and it will have a lot of costs.

In my State, Kansas City has a board of public utilities. If we put these costs on their electric generation, which is mostly out of coal, they are going to see their utility rates go up from the mid-20 percent to 50-some percent in less than a decade's period of time. Is that going to happen without any vote of this legislative body? We are going to see people's utilities rates go up possibly 50 percent with no vote taking place?

I think people would say we need to have a clear deliberation of this body. Also on this point, the way we have solved problems of this nature and magnitude in the past is through investment and innovation, not through taxes and regulation. It is us saying let's figure different ways forward to deal with this rather than let's tax people and regulate people more and drive up their costs.

A year and a half ago, we had the first hydrogen fuel cell locomotive roll down the tracks in Topeka, KS, done by BNSF, the Army, and several other groups. It is replacing a diesel. It is a test unit. But that investment and innovation by BNSF, which uses 5 percent of the diesel fuel in the country, that is the way you move forward rather than raise utility rates for people in Kansas City by 50 percent.

It is also a way that we as the American people have been most successful—investment and innovation—when people look at a better way for us to move forward, which is cost effective, and the American people embrace it if it works well. If it is, people will embrace it. They are delighted to do that. If we go the other route and say we are not going to do that through investment and innovation, we are going to do it through taxes and regulation and raise utility rates 50 percent, people are going to be flaming mad about that, and it is being done by an unelected bureaucracy to pursue that.

It would not work and it would not be accepted by the American public. It is not the way we have moved forward as a society. It would not be us leading in the world. It will be us following on, yet again—when somebody says you have to go by taxes and regulation, we say, OK, we will do it. That is not the American way. It is through investment and innovation. We have done it in the past. We can do it now, and we can have Congress's role in this on supporting a renewable energy standard, which is one way, where we get more energy from wind, nuclear, and a bipartisan bill that has already been produced. That is an acceptable way, the way the American public can embrace—not this route which raises taxes and regulation and will not be accepted by the American public.

I urge my colleagues to support the Murkowski resolution of disapproval and reject the EPA's endangerment finding and take up the bipartisan Energy bill that is cleared through the Bingaman committee for us to consider on renewable energy.

I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from New Mexico is recognized.

Mr. UDALL of New Mexico. Mr. President, I ask unanimous consent that our 30-minute block, which is coming up now, be divided in the following manner: Senator WHITEHOUSE for 10 minutes, Senator WEBB for 5 minutes, Senator MURRAY for 5 minutes, Senator LEAHY for 5 minutes, and I will close with 5 minutes. With that, I yield to my good friend from Rhode Island, Senator WHITEHOUSE.

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

The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I stand in opposition to the resolution offered by the Senator from Alaska. The text of the resolution asks Senators to second-guess scientists and public health officials by voiding the scientific finding that carbon pollution may endanger public health or welfare—like there is any legitimate dispute about that question. The text of this resolution would halt all efforts by EPA to address carbon pollution, including the necessary and long-overdue fuel efficiency standards that EPA negotiated with States and the automobile industry, to everyone's satisfaction.

Mr. President, that is the text of the resolution. But the point of the resolution is far simpler: to delay—delay action on energy legislation, delay action by EPA to protect public health and, more importantly, to delay action in this Congress on energy reform and to preserve the status quo by taking off the pressure of facts and science and law that is now driving the process. They want to trump that with pure politics.

What you will hear from many colleagues who support this resolution is that they want Congress to act to address carbon pollution and not the EPA. But with all due respect, many of the resolution's supporters want nothing to do with comprehensive clean energy and climate legislation. What they want is for EPA to go away. If they can delay EPA's work to address carbon pollution or stop it in its tracks altogether, they take the pressure off of anybody to do anything serious

about a new energy policy or our addiction to fossil fuel. This is about delay on change in our energy policy.

Congress could be spending its time now setting the country on a new energy course by placing a price on carbon and investing in low-energy and clean-energy alternatives. Transforming our energy base will not happen overnight, but the longer we delay, the harder it will be.

That is what Congress could be doing. Instead, we are spending time arguing about whether the Clean Air Act should be used to fight air pollution. Outside these walls, in the real world, this question has to seem absurd. What else would the Clean Air Act be used for?

This issue has been all the way to the Supreme Court, and it is established law that the Clean Air Act applies. Then why are we debating this legislation? We are debating this because the big polluters—the same industries that brought us the April 5, 2010, mine disaster in West Virginia and the explosion on the rig in the Gulf of Mexico—like things the way they are. They like the status quo.

Under the status quo, while the rest of America was struggling to pull out of a recession earlier this year, big oil raked in record profits—$23 billion in just the first quarter of 2010. Under the status quo, when workers pay the costs of mining and drilling with their lives, when our environment pays for devastating oilspills, when our children pay the cost of dirty air with childhood asthma, big polluters don't have to pay the full cost of the pollution they have caused. That is the status quo they want to preserve.

In 2009, the polluters spent $290 million lobbying Congress or 10 times what the clean energy companies spent. This year, they have lobbied Members of the Senate to support this Murkowski resolution. They will keep on lobbying for delay and against energy reform, that is clear.

The question is, How will we respond to that big oil industry pressure? Will we fold before these big companies and their corporate lobbyists and delay again action on energy and climate change or will we stand up to the special interests and work to enact comprehensive climate and clean energy legislation?

This is not the first time I have spoken on the Senate floor in opposition to an effort to delay EPA action. But it is the first time I have done so against the backdrop of an environmental catastrophe.

This time, when I say polluters want to delay action on climate change and energy reform, we understand in a very real way the risk that delay poses. Despite the multimillion-dollar ad campaign by BP telling us not to worry because they are ''beyond petroleum,'' hundreds of thousands of gallons of crude oil now pour into the Gulf of Mexico from a BP well that exploded 2 months ago because they were big polluters and badly prepared.

Polluters have a powerful voice in Congress. Make no mistake about it; if they are successful in getting Congress to keep EPA from addressing carbon pollution, they will take all the pressure off for clean energy jobs legislation. But the tragedy along the gulf coast makes clear that we must do something. Today's vote will make clear who in this Chamber is on the side of delaying action on real energy reform and who is fighting for the American people, for jobs, and for the environment.

America is already years, if not decades, behind in the race to lead the global clean energy revolution. As far back as the 1890s, scientists documented the ''greenhouse effect'' of increased carbon dioxide in our atmosphere. The first congressional hearings on climate change were held three decades ago.

In 1994, the U.N. Framework Convention on Climate Change recognized human-caused climate change. The issue has been out there for decades, and now it is time to take action. We have to move swiftly to address climate change and to have America in front in the global race for clean energy jobs.

In the meantime, we have to allow EPA to use its legal authority to reduce carbon pollution and encourage the deployment of clean energy. The EPA isn't just inventing this authority, it is following the law of the land. Congress enacted the Clean Air Act in 1970 under a Republican President. For four decades, EPA has used the Clean Air Act to make our air safer to breathe. Over that same time, guess what. Our economy grew—many times over.

Some argue that the Clean Air Act isn't meant to clean up carbon pollution. Well, the Supreme Court disagreed. Congress wrote a very broad definition of ''air pollutant'' and specifically, in 1990, defined carbon dioxide as a pollutant in the Clean Air Act amendments.

Despite this broad authority, EPA was indeed idle for many years, but not of its own accord, and not when it was sued. In fact, the Bush EPA fought the application of the Clean Air Act to carbon dioxide every step of the way and to the bitter end, right up to the doors of the Supreme Court, where they lost. Despite the heavy hand of the Bush administration holding EPA back from doing its legal duty, the Supreme Court—one of the most conservative Supreme Courts in generations—ruled in 2007 that carbon dioxide and other greenhouse gas emissions were ''pollutants'' under the Clean Air Act. The Supreme Court held that if the Agency thought this pollutant could ''reasonably be anticipated'' to endanger public health or welfare, the EPA had to act.

Yet here we are, and some Senators still want delay. For delay, they are willing to vote for a resolution that disregards science. For delay, they are willing to vote for a resolution that undermines the Clean Air Act. For delay, they are willing to vote for a resolution that tosses aside a Supreme Court decision. And for delay, they are willing to vote for a resolution that ignores the will of the American people, largely for the benefit of big oil and other corporate polluters.

Should we have a national discussion on how to control carbon? Yes. Should we debate how to move to cleaner sources of energy? Absolutely. But rather than have an honest discussion about how to do this, supporters of this resolution want to delay doing anything at all.

The attorney general of my State of Rhode Island, Patrick Lynch, with 10 other attorneys general and the corporation counsel of New York City, sent a letter to the Senate leadership yesterday urging us not to vote for the Murkowski resolution because it ''would be a step backwards undoing the settled expectations of States, industry, and environmentalists alike.''

In closing, that is exactly the point of this resolution. It is a deliberate step backward. It is a delay tactic. It is a last attempt by polluters to hold onto the dirty energy economy that has treated them so well—$23 billion well so far this year.

Under this dirty energy economy, we spend $1 billion a day on foreign oil from countries that do not wish us well. Companies such as BP can cut corners on worker safety and the environment and then expect the government to come in and clean up their $30 billion mess. Twelve percent of our children in New England downwind from the polluters suffer from asthma and pulmonary disease. These kids matter. This issue matters. We can delay no longer.

I urge my colleagues to say no to delay, say no to taking all the pressure off the polluters, and vote against the Murkowski resolution so we can get to work to forge clean energy reform in America.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. UDALL of New Mexico. Mr. President, I yield 5 minutes to the Senator from Virginia, Mr. WEBB.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WEBB. Mr. President, I rise today in somewhat regrettable opposition to the resolution offered by the Senior Senator from Alaska.

I do not believe this is about big oil. This is not about oilspills. It is not about people who like dirty air. It is about the extent to which the executive branch in our government can act without the clear expression of intent from this Congress. I appreciate Senator MURKOWSKI's efforts to illuminate this issue further in front of our body.

Like Senator MURKOWSKI, I have expressed deep reservations about the consequences of the endangerment finding on carbon dioxide and five

other greenhouse gases that the Environmental Protection Agency issued on December 7, 2009. As many of us in this body well know, without proper boundaries, this finding could be the first step in a long and expensive regulatory process that could inevitably lead to overly stringent and very costly controls on carbon dioxide and other greenhouse gas emissions. This regulatory framework is so broad and potentially far reaching that it could eventually touch nearly every facet of this nation's economy, putting unnecessary burdens on our industries and driving many businesses overseas purely at the discretion of the executive branch and absent the clearly stated intent of the Congress.

Our farms and factories, our transportation system, and our power generating capacity would all be subject to these new regulations. This unprecedented, sweeping authority over our economy at the hands of the EPA is at the heart of Senator MURKOWSKI's concern, and ultimately, whichever way one votes on her amendment, it is what this debate is all about.

At a time when the economy continues to struggle under the burdens of the worst recession since the Great Depression, I do not believe that Congress should cede its authority over an issue as important as climate change to unelected officials of the executive branch. Congress—and not the EPA—should make important policies, and be accountable to the American people for them.

This is not a new concern for me. When this administration declared last November that the President would sign a ''politically binding'' agreement at the United Nations Framework on Climate Change in Copenhagen, I objected. I was the only Member of Congress to send the President a letter stating clearly that ''only specific legislation agreed upon in the Congress, or a treaty ratified by the Senate, could actually create such a commitment on behalf of our country.''

I have also expressed on several occasions my belief that this administration appears to be erecting new regulatory barriers to the safe and legal mining of coal resources in my state and others. My consistent message to the EPA is that good intentions do not in and of themselves equal the clear and unambiguous guidance from the Congress.

In examining this issue, I have also reviewed carefully the Supreme Court's holding in Massachusetts v. EPA. My opposition to EPA's regulation of carbon dioxide for stationary sources stems in part from my reading of the case. I do not believe that prior EPA Administrators acted arbitrarily and capriciously in declining to regulate carbon dioxide and other greenhouse gases. Nor am I convinced that the Clean Air Act was ever intended to regulate—or to classify as a dangerous pollutant—something as basic and ubiquitous in our atmosphere as carbon dioxide.

Notwithstanding these serious concerns with the endangerment finding and what I view as EPA's potentially unchecked regulation of carbon dioxide, I have decided to vote no on the resolution before the Senate. I have done so for two principal reasons.

First, Senator MURKOWSKI's resolution would reverse significant progress that this administration has made in forging a consensus on motor vehicle fuel economy and emissions standards. A little more than one year ago, the Obama administration brokered an agreement to establish the One National Program for fuel economy and greenhouse gas standards. This agreement means that our beleaguered automotive industry will not face a patchwork quilt of varying State and Federal emission standards. Significantly, this agreement is directly in line with the holding in Massachusetts v. EPA, which dealt with motor vehicle emissions. Both in the Clean Air Act and in subsequent legislation enacted by the Congress, there has been a far greater consensus on regulation of motor vehicle emissions than on stationary sources with respect to greenhouse gas emissions.

It has been estimated that these new rules, which are to apply to vehicles of model years 2012 to 2016, would save 1.8 billion barrels of oil and millions of dollars in consumer savings. The agreement, however, and the regulations that will effectuate it, both rest upon the same endangerment finding that would be overturned by this resolution. In this sense, the Murkowski resolution goes too far. And it is for this reason that the Alliance of Automotive Manufacturers and the United Auto Workers, UAW, have publicly stated their opposition to the legislation before us.

Second, I have concluded that an alternative, equally effective mechanism exists to ensure that Congress—and not unelected Federal officials—can formulate our policies on climate change and energy legislation. Senator ROCKEFELLER has proposed legislation to suspend EPA's regulation of greenhouse gases from stationary sources for 2 years. I am a cosponsor of Senator ROCKEFELLER's bill. His approach would give Congress the time it needs to address our legitimate concerns with climate change, and not disrupt or reverse the important progress that has been made on motor vehicle fuel and emission standards. I note that, to her credit, this was an approach that the senior Senator from Alaska originally proposed, and I am hopeful that we can take this approach in the future.

I am also pleased that in my discussions with the majority leader, he has assured me of his willingness to bring the Rockefeller bill to a vote this year.

Finally, let me say I share the hope of many Members of this body from both sides of the aisle that we can enact some form of energy legislation this year. I have consistently outlined key elements that I would like to see in any energy package. The centerpiece of any climate policy must be to encourage the development of clean energy sources and carbon-mitigating technologies. We should explore mechanisms that will incentivize factory owners, manufacturers, and consumers to become more energy efficient. We should also fund research and development for technologies that will enable the safe and clean use of this country's vast fossil fuel resources.

In November 2009, I introduced the Clean Energy Act of 2009, S. 2776, with Senator LAMAR ALEXANDER. This bipartisan bill will promote further investment in clean energy technologies, including nuclear power and renewable sources of energy. Specifically, the Clean Energy Act of 2009 authorizes $20 billion over the next 10 years to fund loan guarantees, nuclear education and workforce training, nuclear reactor lifetime-extension, and incentives for the development of solar power, biofuels, and alternative power technologies. I believe it is a practical approach toward moving our country toward providing clean, carbon-free sources of energy, helping to invigorate the economy, and strengthening our workforce with educational opportunities and high-paying jobs here at home.

This legislation by itself is not intended to solve all of our climate change challenges. It is, however, a measurable and achievable beginning and will place the Nation on a path to a cleaner energy future. In addition, through investment in lower emission transportation fuels, incentives to electrify the transportation sector, and support for technologies that will eventually enable the burning of fossil fuels in a carbon-free fashion, it provides a framework for technologies that will eventually enable a more effective response to climate change.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. WEBB. Mr. President, I ask unanimous consent for 1 more minute.

The PRESIDING OFFICER. Is there objection?

Mr. UDALL of New Mexico. My understanding is all the time is allocated in this 30-minute block. Senators are lined up to speak, I say to Senator WEBB.

Mr. WEBB. I was told last night that I would have 10 minutes. I got down here and discovered I have 5. Let me just say Senator ROCKEFELLER's bill can do the job. I hope my colleagues will look at it.

Mr. UDALL of New Mexico. I yield an additional minute.

Mr. WEBB. I appreciate that.

Ms. MURKOWSKI. Mr. President, before Senator WEBB continues, may I ask a question? If an additional minute is to be yielded to the opposition, I request that we also have additional time added to our side.

Mr. UDALL of New Mexico. I have yielded 1 minute from my time out of the 30-minute block. It is not additional time.

Ms. MURKOWSKI. I rescind that request if it is coming out of the Senator's time.

Mr. WEBB. Let me make this a lot simpler. I will take 15 seconds and say I am a cosponsor of Senator ROCKEFELLER's bill. I believe it is an effective approach. To Senator MURKOWSKI's credit, it is an approach she originally proposed, before she was shut off from getting a vote on that type of a procedure. I am going to vote against Senator MURKOWSKI's resolution, but I think she is on the right track.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. UDALL of New Mexico. Mr. President, I yield 5 minutes to the Senator from Vermont, Mr. LEAHY.

The PRESIDING OFFICER. The Senator from Vermont is recognized for 5 minutes.

Mr. LEAHY. Mr. President, I will oppose the resolution. The resolution of disapproval before us reminds me of a skills competition for young people that has been promoted by the National Football League. It is called Punt, Pass, and Kick. The resolution is an engraved invitation for the Senate to make a big league handoff of a basketful of illness, economic stalemate, and environmental pollution to our children and grandchildren.

It would punt away constructive action to begin addressing many threats that each and every American faces from climate change, and the threats we face every day to our national security.

It would pass on opportunities to foster cleaner air and water for us and for the generations that will follow us. It would kick away the progress already negotiated by the Obama administration and key industries, such as automobile and truck manufacturers, to usher in new products that would pollute less while creating good American jobs—jobs that cannot be sent overseas, jobs we need in America.

Many on the other side of the aisle have been adamant in trying to wish these problems away and to forfeit the economic opportunities at our fingertips to lead the world in these new energy technologies. Powerful corporate interests are more than glad to contribute to these efforts to stalemate any progress.

What we are debating today is whether business as usual is good enough for the environmental challenges and economic opportunities that are already before us. We are being asked to overturn with a political veto the strong scientific evidence that points to a healthier future. We are being asked to undermine America's ability to clean up our air and our waters.

The science is clear that greenhouse gases are a danger, and they are a clear and present health and economic threat to the American people.

At a time when our Nation is responding to our worst environmental catastrophe of all time and oil continues to gush into the Gulf of Mexico, passing this resolution would be the Senate's way of saying: Nothing has changed; nothing should change. I disagree. It is a declaration of our intent to keep relying on the outdated, dirty, and inefficient technologies of the past, and to let every other industrialized country create jobs in their countries, leap ahead of us in developing and selling these new technologies. I disagree with that. This is another proposed bailout of big polluters.

I do not think this is the path we want to chart for our children and our Nation. A decade from now, will we be able to look back at this vote and not be ashamed of ourselves? EPA's findings are based on sound science and an exhaustive review of scientific research. Let's not the 100 of us cast a political vote to overturn that.

Much of what the special interests and big oil and their lobbyists have been saying in favor of this resolution is steeped in politics and mistruths, not in science. What we have here is the Environmental Protection Agency focused on protecting the American people, whether it is arsenic in our drinking water, smog in the air, mercury in the fish we eat, or greenhouse gases. Overturning these findings would be like trying to overturn science. You don't do it.

If we pass this resolution, it is not a case of hurting the economy. Quite the opposite. The resolution will hurt the economy by causing the American people to forfeit a third of the greenhouse gas emissions reductions that are projected to come from last year's historic agreement.

Do not overturn the EPA findings. Do not force our Nation's already struggling automakers to spend even more money to produce more fuel-efficient cars because a dozen States, such as Vermont and California, could then go forward, each with their own rules and standards.

Let us not be known as the Congress to continue to punt, pass, and kick on these crucial issues about which the American people are looking for solutions.

Mr. UDALL of New Mexico. Mr. President, I yield 5 minutes to the Senator from Washington, Mrs. MURRAY.

The PRESIDING OFFICER. The Senator from Washington State is recognized for 5 minutes.

Mrs. MURRAY. Mr. President, I rise today to express my strong opposition to the resolution before us that would block the EPA from regulating greenhouse gas emissions and protecting our families and the environment.

This resolution is not based on science, and I feel strongly it would be a step in the wrong direction for our country. We know greenhouse gas emissions are dangerous for our environment and to our families' health.

The science on this issue is clear, and it is something people in my home State of Washington take very seriously. Climate change would wreak havoc on much of what our families treasure—our forests, our coastlines, our salmon habitats, and our farmland.

The debate we should be having today ought to be how we move forward on that issue, not how to obstruct and stall and maintain the status quo. What we should be discussing is how to pass a comprehensive climate and energy bill that would reduce our dependence on foreign oil, support our national security objectives, and unshackle this economy; that would tap the creative energy of our Nation's workers and create millions of good, family-wage jobs here in this country and make sure our workers continue leading the way in the 21st-century economy.

I know there are several proposals that have been put on the table on this issue, but we can't just simply block EPA's endangerment findings and expect our greenhouse gas emission problem to resolve itself. I know there are industries that have concerns about being regulated. I understand they would prefer a legislative solution. I would too. But we have to keep moving forward so we can address this critical issue, and blocking the EPA's endangerment finding is a step backward toward the failed environmental policies of the past.

The law on this is clear. The Supreme Court has ruled that the EPA has the authority to regulate greenhouse gas emissions. A lengthy process was conducted to determine this endangerment finding, and the public, as well as the business community, has been fully engaged throughout. In fact, as has been said, the auto industry opposes this resolution because it would put them right back into a state of regulatory uncertainty.

If we look at vehicles alone, the national clean car standards as proposed under the Clean Air Act will cut carbon pollution from vehicles by 30 percent. In my home State, the transportation sector accounts for more than 50 percent of greenhouse gas emissions. And increased fuel efficiency standards will save our families money at the pump and it will cut demand for oil by an estimated 450 million barrels over the life of this program. All of that is threatened by this resolution.

It is especially disappointing to see this on the floor while images of oil gushing into the Gulf of Mexico and devastating the local environment and economy continue to be shown on every news channel in this Nation.

The resolution we are debating today is going to take us back to the failed old policies that have made us more and more dependent on oil. If the big oil companies and their lobbyists get their way on this vote, our families will continue to spend more on fuel, and it will be a lot harder for our economy to make the shift to cleaner and more efficient sources of energy.

The longer we put off dealing with greenhouse gas emissions, the more it

will cost our economy, our environment, and our health. So I strongly oppose this resolution that prioritizes big oil companies over our families and our small business owners. I hope that after this, we can work together to find real solutions.

Mr. President, I yield the floor.

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

Mr. UDALL of New Mexico. Mr. President, I thank the Senator from Washington for her comments, and I yield myself any remaining time in our 30-minute block.

Today, America faces an energy crisis. The Senate owes the American people solutions. But this resolution is an attempt to bury our heads in the sand and ignore reality.

The oilspill in the Gulf of Mexico is only the most visible aspect of our energy crisis. The true consequences of our energy policy are spread even wider than the spill and the costs, even more deadly.

First, our dependence on imported oil is a threat to our national security. Imported oil fuels dictators and terrorists, and the CIA believes climate change will make the world more unstable. If we block the clean energy transition with this resolution, we will be forced to use an additional 450 million barrels of oil, most of which will be imported. Instead, the Senate should reject this resolution and recognize that the transition to a clean energy economy is a national security priority. Americans want our national security out of the quagmire of foreign oil dependency. This resolution puts us in deeper.

Here at home, this dependence is also a threat to the pocketbooks of American families and businesses.

In 2008, American families and businesses sent $475 billion overseas to pay for foreign oil. Last year, we sent over $300 billion overseas. By the end of this year, we will have sent over $1 trillion outside the U.S. for imported oil in the last 3 years.

That is a massive transfer of wealth from families in New Mexico and the other 49 States to the treasuries of foreign nations.

If this resolution succeeds, we will import millions more barrels of oil and send billions more of our hard-earned money overseas.

If the Senate fails to act, the administration must take up the slack. This resolution would paralyze the Federal Government.

The administration is already making progress with new vehicle fuel efficiency rules, which will save 450 million barrels of oil. This resolution would jeopardize that effort, taking us backwards.

Further administration efforts will improve efficiency at power plants and major factories and reduce pollution.

Small businesses, farmers, and ranchers need not worry. They will not be subject to any EPA regulations on greenhouse gases.

Our dependence on dirty fossil fuels is also a threat to the global climate system—the air we breathe and the water we drink—in New Mexico and around the world. This resolution specifically rejects the EPA's scientific finding, conducted by nonpartisan scientists, that greenhouse gas pollution is a threat to public health and to the environment. There are no climate scientists in the Senate. This body has no business injecting political bias into scientific deliberations. The resolution should be rejected for this reason alone.

It is revealing that this resolution is supported by dozens of special interests that have worked for years to discredit strong science. The vast majority of the evidence tells us that global warming is real. Strong scientific evidence shows that unless we transition to clean energy sources, our home States will pay a heavy price.

Many supporters of this resolution doubt climate science. In response, I point to the scientists of Los Alamos National Lab. The scientists and supercomputers there keep America's nuclear arsenal safe, secure, and reliable. They have no margin for error. Los Alamos also runs some of the most sophisticated global climate models used by scientists around the United States and the world. These models indicate a serious risk to our landscapes and water supplies. Many scientific studies in the field confirm those risks.

In New Mexico, scientific evidence indicates devastating forest fires, droughts, and invasive species will be worsened by global warming. According to the Nature Conservancy, over 95 percent of New Mexico has seen temperature increases due to global warming. Ninety-three percent of our watersheds have become dried, and snowpack has decreased over the last 30 years.

Making matters worse, this same reliance on fossil fuels pollutes our atmosphere with toxic compounds such as sulfur dioxide, soot, and mercury, alongside greenhouse gases such as carbon dioxide.

Luckily, we have numerous cost-effective solutions at hand to address the energy and climate crisis. New Mexico and many other States across the Nation are rich in much cleaner domestic sources of energy, sources such as wind, solar, geothermal, and natural gas.

Last week, a uranium enrichment plant opened in New Mexico to provide emission-free fuel for American nuclear powerplants. Several years ago, wind energy was unusual, but now it is increasingly common, especially in the American West. Offshore wind has the potential to provide 30 percent of the east coast's power as well. The United States is now installing over a gigawatt of solar power each year. And there are another six gigawatts of concentrated solar power projects planned nationally, particularly in the Southwest. U.S. natural gas reserves have also increased by 35 percent in just 1 year. We now have a century's worth of supply. While natural gas is a fossil fuel, it is significantly cleaner than either coal or oil, and it is more abundant. The clean energy transition does not just mean renewable energy; it also means a renewed focus on natural gas and nuclear power.

Ironically, this resolution would also eliminate the incentive to invest in carbon capture technologies which are the future of coal.

Even worse, this resolution undercuts the push for energy efficiency. Without rules to reduce pollution, powerplants lack the right incentives to save energy. Both government and industry studies have found that the right efficiency investments could save energy and more than $1 trillion at the same time. Energy efficiency does not mean turning down the heater in the winter or the air-conditioner in the summer.

Mr. President, at its core, this resolution is about delay. The House is not going to take up this resolution. The sponsor of this resolution knows the President does not support this. There are not the votes. And really what is going on here is delay.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Ms. MURKOWSKI. Mr. President, at this time, the 30 minutes under Republican control will be allocated as follows: Senator WICKER will have 5 minutes; Senator THUNE, 10 minutes; Senator JOHANNS, 5 minutes; Senator KYL, 5 minutes; and Senator SESSIONS, 5 minutes. Senator THUNE will lead off this block.

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

The Senator from South Dakota is recognized for 10 minutes.

Mr. THUNE. Mr. President, I wish to thank the Senator from Alaska for her leadership on this issue. This is an important debate to have, and I wish to remind my colleagues what this debate is about because I have heard lots of discussion on the floor today about how this is somehow about the science of climate change.

This isn't about the science of climate change. Maybe we ought to have that debate. Perhaps that is something we should debate, but that is not what this debate is about. This debate is also not about some of the other issues that have been thrown out here—that this is about big oil or this is about the Republicans wanting to delay or protect somehow the status quo. That is not what this debate is about. This is a very simple, straightforward question. That question is, Do we, the U.S. Senate, want to be on the record with regard to the issue of whether the EPA ought to move forward and try to regulate CO_2 emissions under the Clean Air Act or should we wait until Congress takes up and deals with that issue?

What is ironic about what my colleagues on the other side are suggesting is that a lot of people have said

that Republicans just want to delay; they want to delay because they do not believe in the science. Well, we don't control the agenda; the Democratic leader controls the agenda. They have a climate change bill they could bring to the floor and we could debate it. They do not want to do that because they don't want to put a lot of their Democrats on record on that vote. So what do they do instead? We allow the EPA—a bunch of unelected bureaucrats—to move forward and do something that would have tremendous consequence to the American economy without hearing from the Congress.

I think that, in a very simple, straightforward manner, is what this debate is about. It is about, do we want the EPA to move forward with the regulation of greenhouse gas emissions absent direction from the Congress—the people's representatives—or do the voices of the people need to be heard through the debate we ought to be having here in the Congress?

I will say that irrespective of what you believe about the science behind climate change and whether or not human activity is contributing to it, one thing we know with great certainty is that it will have profound economic impacts on the American economy.

Mr. KERRY. Will the Senator yield for a question?

Mr. THUNE. I will yield at the conclusion of my remarks to the Senator from Massachusetts, but I have some things to get to before that.

Mr. President, what is important is that everyone acknowledges, including the Obama administration, that moving forward with the EPA regulating CO_2 emissions under the Clean Air Act would cause the economy to suffer.

I want to quote something the Office of Management and Budget put out last August in a document. It says:

> Regulating CO_2 under the Clean Air Act for the time is likely to have serious economic consequences for regulated entities throughout the U.S. economy, including small businesses and small communities.

If you look at the impact on small businesses, farms, and ranches, the proponents are going to say: Well, the EPA is not intending to regulate smaller entities like that; we just want to get the big polluters. OK. We start at 100,000 tons. Well, in 2012, we move to 50,000 tons.

I would argue—and it is supported by statements made by folks in the administration—the EPA Administrator has indicated that by 2016, they intend to regulate smaller emitters, if we get to 2016, because what will happen is this so-called tailoring rule will get challenged in the courts and it will likely get overturned because the Clean Air Act said the threshold for regulation is 250 tons.

At 250 tons, you don't get just the big emitters. You don't get the large polluters. You get over 6 million entities, to include farms, ranches, small businesses, churches, hospitals, and you can go right down the list. That is what happens when you regulate at the 250-ton level. As I said, they are saying that is not going to happen, that we have this tailoring rule. Well, the law is very clear. If we are going to use the Clean Air Act as the authority to do this, the Clean Air Act stipulates 250 tons. That captures a whole lot of entities that strike at the very heart of the American economy.

The cap-and-trade legislation that was passed by the House last summer has yet to be voted on here in the Senate, but there has been a lot of analysis of that done in my State of South Dakota. The public utilities commission in my State suggested that, if passed, that would increase power rates in States such as South Dakota by 50 percent.

If you look at what the actual impacts are going to be on small businesses across this country—not only because of the cost of the original construction permits that would be included in this but also operating permits—the Wall Street Journal said in a May 2009 story that in 2007 the Clean Air Act cost those who had to apply for permits $125,000 per permit and 866 hours to obtain it.

So whether you subscribe to the notion that this is only going to apply to large entities or whether you subscribe, as I do, to the belief that this is ultimately going to cover a lot more smaller entities that are going to be adversely impacted and deal with much higher power rates, I think it is pretty clear that whoever is covered by these new regulations is going to be faced with a lot higher costs when it comes to permits, a lot higher costs when it comes to the implementation of best available technology, and therefore a lot higher cost to the American consumer who will deal with the burden of that when it is passed on by these various emitting entities.

My State of South Dakota, of course, is composed of a lot of farmers and ranchers. Agriculture is a 45-percent energy-intensive business, if you look at the inputs that are necessary to make a living in a farm or ranch operation. That means 45 percent of a farmer or rancher's costs are going to be increased by this backdoor energy tax imposed by the EPA. The fees and fines that are placed upon machinery manufacturers, energy companies, and fertilizer companies starting in 2011 and 2012 will be immediately passed down to the farm and ranch families who are going to be impacted by this.

If the EPA is forced to regulate at the statutory 250-ton threshold—which, as I said, once this is litigated I believe that is what the courts are going to find—farms with as few as 25 dairy cattle would be forced to apply for a title 5 permit and pay a fee for each ton of greenhouse gases emitted by their cattle: the cow tax. That is what this is about. This is not, as I said, about the science of climate change. It is not about Republicans wanting to delay. We don't control the agenda around here. It is not about big oil. It is about small businesses, family farms, and ranches trying to make a living, trying to create jobs in the economy and constantly having Washington stand in the way and throw new hurdles and impediments and obstacles and barriers in their way.

What the Murkowski resolution does, very simply, is it forces us to answer a fundamental question and that is should Congress be acting on legislation that would direct these activities or do we allow a bunch of unelected bureaucrats at an agency downtown to move forward with regulations that would impose massive new costs on the American economy at a time when we are trying to create jobs and get this economy on its feet. That is the straightforward, simple question put forward by the resolution from the Senator from Alaska.

I hope my colleagues here realize, irrespective of what they think about the science of climate change, irrespective of all the other arguments that are being used as a distraction here on big oil and Republicans delaying this debate, when you get down to the fundamental question, that is what the issue is, whether this Senate wants to be on record about allowing a bunch of unelected bureaucrats to move forward with the regulations that would impose massive new costs on our economy, not just on big polluters, large polluters—who, by the way, are going to pass those costs on—but directly hitting the small businesses, farms, the ranches that are the very backbone of the American economy.

This is not, by the way, just a Republican issue. There are lots of Democrats who have weighed in on this and there are lots of Democrats I believe here in the Senate today who I hope will be willing to support this resolution. But I want to read for you very quickly here, because I know my time is running out, a couple of things that have been said by Democrats in the House of Representatives. COLLIN PETERSON, a Congressman from Minnesota, has said:

> The Clean Air Act was never meant to be used for this but they're trying to do it anyway. . . . Most everyone I've heard from about this thinks that elected officials—not EPA bureaucrats—should decide how to address our energy problems.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. THUNE. JOHN DINGELL called this a ''glorious mess,'' if the EPA moves forward with this. I have other statements from the Democratic Members of the House of Representatives which I will be happy to submit for the RECORD, as well as a letter from a bunch of Representatives in my State supporting the Murkowski resolution.

I yield my time and hope my colleagues will support this resolution.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Ms. MURKOWSKI. Mr. President, at this time I yield 5 minutes to the Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 5 minutes.

Mr. JOHANNS. Mr. President, let me, if I might, start out and say how much I appreciated the comments by the Senator from South Dakota. Many months ago I did a roundtable with a great company in Nebraska, Nucor Steel. Nucor Steel is one of those companies you hope takes a look at your State and creates the jobs that they have in your State—and they have. They employ about a thousand people. They do everything right. They are very pro-America. They are a well-managed company. They are a company that pays well. On average across the Nucor system, their wages are about $70,000 a year. For that area of any rural State, that is huge. That is huge.

We sat down in this roundtable. As the Senator from South Dakota points out, the impact on our businesses—the first thing I asked the folks of Nucor Steel, I said to them, Where is your competition? Who are you competing with?

They said: The Chinese.

I said: The Chinese?

They said: Absolutely. When we go out and fight for a contract to keep these people employed, we are fighting with the Chinese.

I said: Let me ask you, talk to me about the impact of all of this legislation and various proposals on climate change on your company and that competitive relationship.

They were very blunt and straightforward. They said: Very simply, MIKE, here is what happens. We go in a situation where we cannot compete. Already, this is a very tough business. If you pile onto us these additional requirements, we are in trouble immediately.

Here is what I want to say about the Murkowski amendment, to get started here today. I respect the Senator from Alaska for bringing this forward because this is the kind of debate we should be having on this very important issue on the Senate floor and on the House floor. This should not be a situation where we have relegated or allowed the responsibility to be taken over by bureaucrats here in Washington, DC.

I rise today to offer my support for Senator MURKOWSKI's resolution of disapproval. At the end of last year, as we all know, EPA announced that greenhouse gas emissions would be regulated under the Clean Air Act. But Congress never designed the law to do that. Yet this administration seems absolutely bent on this overreaching, regardless of, congressional intent. That is why I am one of the cosponsors on this resolution.

The resolution is very simply our way of saying, here in Congress, the Clean Air Act was never designed to allow you, the EPA, to regulate greenhouse gases. This endangerment finding is simply bad for everybody. It is bad for Nucor Steel, it is bad for business, and it is bad for every American out there who flips on a light switch.

EPA tells us over 6 million entities will be captured by these new permitting requirements. Who are they? They are commercial buildings, they are hospitals, they are ethanol plants. You can keep naming business after business that will get caught up in this. Thousands of business owners would now have to go to the EPA if they plan to expand through new construction or modifications. One Nebraska manufacturer recently wrote to me, concerned with this very stark reality, and said: ''These regulations will certainly influence our future decisionmaking regarding acquisitions, expansions, and new plants.''

So at a time where our economy is struggling, where everybody is trying to figure out the best pathway to create jobs——

The PRESIDING OFFICER. The time of the Senator has expired. The Senator's 5 minutes has expired.

Mr. JOHANNS. Let me wrap up and ask my colleagues to support this very important effort by Senator MURKOWSKI.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 5 minutes.

Mr. SESSIONS. Mr. President, I want to first say how much I support the Murkowski resolution, and I will be voting for it. But I want to point out, as ranking Republican on the Judiciary Committee, how it is we got into this circumstance and why it is not justified. Why it should never have happened, and why it is a product of the worst kind of judicial activism. And finally, why we need to see how we can work our way out of it.

In 1970, the Congress passed the Clean Air Act, and they allowed EPA to regulate pollutants. Rather than try to specifically define pollutants, they said it would be defined by the Director of the EPA, and he would have that decisionmaking authority. That is the way it was for many years.

Then years went by and people began to talk about global warming. Global warming developed a certain momentum and a number of scientists signed onto this idea. Even though CO_2 is a plant food and the more CO_2 that is in the atmosphere the better plants grow. And even though we breathe out CO_2 and plants breathe in CO_2 which produces the oxygen that we breathe in this wonderful system that we are a part of. They concluded that CO_2 was increasing because we were taking carbon fuels mostly from our soils, burning it, and that was increasing the percentage of CO_2 in the atmosphere. Presumably it had at one time been in the atmosphere and had been sucked up by plants.

So this argument arose that it would create global warming. In 1997 Congress had a vote on the Kyoto accord, to deal with whether we wanted to take these firm, aggressive steps to reduce CO_2. By a vote of 97 to 0 we voted not to do that. We were not prepared to do that.

Someone filed a lawsuit. In 2007, it came before the U.S. Supreme Court. The Supreme Court was asked to decide on the prohibition of air pollutants, which passed in 1970 when nobody was thinking about global warming, instead they were thinking about particulate matter, NO_X and SO_X, acid rain, and those kinds of pollutants that go into the atmosphere. The question was, did that word ''pollutant'' include CO_2?

To me, a responsible court would have said Congress had all these years to pass a law and specifically add CO_2 as a pollutant if they wanted to. In fact, we have amended the law and never added it. They would have asked, Is this a big economic issue we are deciding? It is a huge economic issue, because it would give the Environmental Protection Agency the right to regulate every single emission of CO_2—every automobile, every factory, every home, every hospital, every steel mill; everybody who emits CO_2 would be under the regulation of the EPA.

They voted and by a 5-to-4 margin the Supreme Court of the United States just declared—just by dictate declared—that Congress intended to cover CO_2 when they passed the Clean Air Act of 1970.

It is a stunning thing. It is a huge activist decision. In my opinion, it shows how dangerous judges are who are not committed to restraint and responsible action—how dangerous it can be when you give them the power to pass something Congress would not have passed. They didn't pass it then. And in my opinion, they would not pass it today. But the Supreme Court said so.

I support the Murkowski resolution.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from Arizona is recognized for 5 minutes.

The PRESIDING OFFICER. The Senator from Arizona is recognized for 5 minutes.

Mr. KYL. Mr. President, I too support strongly the Murkowski amendment. There has been a lot of misinformation spread about this. Let me clear up a couple of things. First, this resolution is not about the science of climate change. It has nothing to do whatsoever with greenhouse gases or the Earth's temperature.

It would not prevent the Senate from considering climate legislation if that is what the Senate chooses to do. Nor does this resolution have anything to do with the spill in the gulf coast, although some have tried to make it appear that way. Let's remember this resolution was introduced months before that spill even began. It has nothing to do with the disaster. We should not exploit this serious crisis for political gain, as the White House has tried to do.

So what is the resolution about? Well, it boils down to a simple question: Should the Environmental Protection Agency be allowed to act unilaterally to set climate and energy policy through new Clean Air Act regulations without the delegation or approval of Congress. And the answer is no. It is wrong for the administration to try to achieve its goals by any means possible, in this case by going around the legislative branch and by using the EPA to enact sweeping economic and energy regulation.

In order to stop that, we need to approve this resolution. Let me provide a bit of context for how we got to this point. In December of 2009, the EPA finalized so-called endangerment findings for six greenhouse gases, allowing it to establish greenhouse gas emission standards for a few new motor vehicles.

Once those standards go into effect, under the law EPA has no choice but to follow through and issue regulations for stationary sources of greenhouse gas emissions. In fact, the EPA has estimated that about 6 million of these stationary sources: buildings, and facilities, including hospitals, nursing homes, schools, farms, and so on, will be subject to regulation.

There will also be a new regulation of homes and RVs and cars and tractors and so on. The new regulation will touch every corner of our economy and necessarily lead to higher energy costs, increasing the cost of nearly everything, and in the process killing jobs.

President Obama himself said that under the plan he favors, electricity prices ''would necessarily skyrocket.'' Well, the Murkowski disapproval resolution would nullify the legal effect and force of the EPA's endangerment finding. It would prevent the EPA from using the Clean Air Act to set up a regulatory regime to impose backdoor climate regulations that would lead to a job-killing national energy tax.

Americans have made it very clear that they do not like the idea of legislation that will increase their energy bills and raise their taxes. They want Congress and the administration to focus on strengthening the economy and providing incentives to job creators rather than burdening them with new regulations. They deserve to be heard. If they say through their representatives they do not want a national energy tax in the form of cap-and-trade legislation to pass Congress, then the administration should not be able to circumvent their will by simply having the EPA do it.

This is a clear up-or-down vote to stop a power grab by unelected officials at the Environmental Protection Agency, and to force any climate and energy regulation to go through a democratic process conducted by Congress.

I urge my colleagues to support the Murkowski resolution.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Ms. MURKOWSKI. Mr. President, under the unanimous consent agreement, we had reserved 5 minutes for Senator WICKER, but I am to going to yield those 5 minutes to Senator HUTCHISON.

The PRESIDING OFFICER. The Senator from Texas is recognized for 5 minutes.

Mrs. HUTCHISON. I thank the Senator from Alaska for her great leadership in bringing this to the floor. I support this resolution. While cap-and-trade legislation has stalled in the Senate, the administration is pursuing a backdoor approach to implement new regulations. The EPA's use of the Clean Air Act as a vehicle to expand its authority is a political maneuver that will allow the agency to bypass Congress and regulate greenhouse gases.

This is the prerogative of Congress and Congress has not acted because it would be a mistake to act. So here comes the regulatory agency to bypass Congress because they cannot get congressional approval to do what they are trying to do.

This vote has nothing to do with the oilspill in the Gulf of Mexico. It is unfortunate that some are trying to use this tragedy in the Gulf of Mexico as some sort of leverage against this resolution. We all agree that we need a responsible energy policy that strikes a critical balance between the protection of our environment, natural resources, and the preservation of American jobs. It is the responsibility of Congress to implement such a balanced policy.

It is also the responsibility of Congress to consider the economic impact that regulations will have on Americans throughout our country. Here is how these regulations will affect my home State of Texas. In Texas, more than 30,000 businesses will be in industries that will now be newly subject to the EPA regulations.

Texas' agriculture industry, which accounts for $106 billion, or 9.5 percent of Texas' total gross State product, would be disproportionately damaged by the proposed regulations because of their use of fertilizers which are already regulated.

Across the country, small businesses, which are the backbone of our economy, and farmers and ranchers, which are the backbone of our economy, will be devastated by these regulations. According to the U.S. Small Business Administration's Office of Advocacy, the smallest businesses bear a 45-percent greater burden than their larger competitors.

The annual cost per employee for firms with fewer than 20 employees is over $7,000 to comply with their regulatory burden. Actions from the EPA are going to give foreign competitors an advantage over American businesses. While our businesses will become burdened with these new regulations, companies in China and India will have free rein in U.S. markets.

As our economy begins to recover, the last thing families and small businesses need is a backdoor energy tax that is going to raise their costs across the board. Rather than imposing invasive regulations, we need a responsible energy policy that focuses on making alternative sources of energy, such as nuclear, wind, and solar commercially available. We all agree on that. That would be a balanced approach to an energy policy, which is what elected representatives should be making.

This vote is to prevent a federal bureaucracy from doing the work of the elected representatives of the people. I am alarmed by this further attempt of the administration to circumvent congressional authority. I am sorry to say but this is becoming a hallmark of this administration, more regulation. And if Congress does not agree, let the agencies do it.

I am dealing in the Commerce Committee right now with the FCC that is doing exactly the same thing. They are going to impose net neutrality rules when Congress has not authorized the regulation of the Internet in that way. It is a pattern that is beginning to show itself and it is wrong for our country.

I am going to stand strong against cap and trade. I will certainly oppose the audacious attempt by this administration to bypass Congress and implement new regulations without the authority of Congress.

As a solution to climate change, we need to work together to promote the use of clean and renewable sources of energy. We need to work on creating jobs, not tax small business to keep us from being able to create the new jobs.

It is important that we work together. We are the elected representatives of the people. The EPA is not. And this is overreach. If we do not stop it, who will? Who will stop bureaucracy and agencies that are not authorized by Congress to take on more and more regulatory responsibility that is not theirs, and that is going to cost jobs in our country?

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. HUTCHISON. The growth of government is breathtaking in this country. I urge my colleagues to think about this and support the Murkowski resolution.

I yield the floor.

Ms. MURKOWSKI. Mr. President, has all time expired?

The PRESIDING OFFICER. All time has expired.

The Senator from California.

Mrs. BOXER. Mr. President, I yield 15 minutes to Senator KERRY.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 15 minutes.

Mr. KERRY. Mr. President, we have heard the arguments on both sides of this debate. But for all the discussion and all the rhetoric, the choice before us is really stark and simple. This is a vote and choice between recognizing the greatest environmental risk of our time or legitimizing the deniers. It is a choice between protecting the health of

our families and the air we breathe or continuing a pattern of pollution that threatens our children and our communities. It is a choice between getting serious about policies that will put America on a real path to energy independence or increasing our Nation's oil dependency by 450 million barrels.

The stakes for our country are enormous. And if you have any doubt about that, any doubt at all, look no further than what is happening in the Gulf of Mexico even as we debate this choice. Every hour on our television screens we are watching another tragic and costly reminder of the hazards of our oil addiction, all that from only a single accident at a single offshore oil well.

In April 2007, the Supreme Court for the first time issued a ruling on the issue of climate change. The Roberts Court was asked to consider the Bush administration's refusal to issue greenhouse gas standards for cars and trucks. The case hinged on two key issues: (1) does the Clean Air Act authorize regulation of greenhouse gases and (2) if so, should EPA set emissions standards for motor vehicles. The decision by the majority in the landmark Massachusetts v. EPA case was conclusive on both fronts. The justices determined that ''the harms associated with climate change are serious and well recognized,'' and they firmly and positively identified greenhouse gas emissions as the cause of those harms. In light of that assessment, they found that greenhouse gases ''fit well within the Clean Air Act's capacious definition of 'air pollutant.''' In light of that, the justices directed EPA to fulfill its obligation under the Clean Air Act to determine, based on scientific evidence alone, whether greenhouse gas emissions from cars and trucks pose a threat to human health or welfare. This ''endangerment finding'' was finalized in December of last year.

The resolution under consideration today, S.J. Res. 26, seeks to overturn this finding and permanently prohibit EPA from ever issuing a similar determination, regardless of the strength of the science and the urgency of action.

This resolution is not based in substance or in fact. We know that the threats of climate change are widespread, compelling and urgent.

In fact, on May 19, the National Research Council, our Nation's leading scientific body, declared in its most comprehensive study to date that the evidence of climate change is ''overwhelming.'' They urged ''early, aggressive, and concerted actions to reduce emissions of greenhouse gases.''

However, the resolution we are debating today would achieve precisely the opposite goal. We are being asked to literally vote down the science, squander billions of barrels of oil savings, and shirk our responsibility to address the greatest energy, national security, and environmental challenge of our time.

By invalidating the scientific finding that greenhouse gases pose a threat to human health and welfare, this resolution would remove the legal basis for the landmark agreement that was reached last year to regulate greenhouse gas emissions from cars and trucks. According to the Union of Concerned Scientists, this agreement is on track to save American consumers a total of $34 billion and create 263,000 American jobs in 2020. This agreement also takes a tremendous step toward energy independence by reducing our oil consumption by 1.8 billion barrels. By removing EPA's authority to jointly implement these regulations with the Department of Transportation, this resolution comes at the very steep cost of 450 million barrels, almost one quarter of these oil savings.

And, that is just the minimum amount by which this dangerous resolution will increase our oil dependence. In light of President Obama's recent announcement that the administration plans to extend the vehicles standards beyond 2016, the prohibition on EPA action will eliminate significant additional opportunities in the future to reduce our Nation's oil consumption, increase our energy security, and draw a bright line between ourselves and those nations that would do us harm.

So why are we being asked to affirmatively reject a scientific finding based on ''overwhelming evidence'' and potentially billions of barrels of oil savings? Congress, we are told, needs more time to develop energy and climate legislation and the Federal Government must be stopped from making any progress in the interim.

As someone has been meeting with my colleagues now for over a year, sitting down with all the stakeholders, I am struck by the irony that many of the proponents of this argument are the very same people who at every opportunity have avoided engaging in a serious legislative effort to tackle these issues. On the one hand, they say it is a job for Congress not the EPA, then they stand in the way of Congress doing the job in the first place. And they stand in the way even at a time when we have brought together an unprecedented coalition of industry and environmental support for action in this Congress. If you do not want the EPA to act, but you will not let Congress lead, when are we going to solve this challenge?

Here is how Ron Brownstein, one of the keenest observers of Washington, summed it up: ''It's reasonable to argue that Congress, not EPA, should decide how to regulate carbon. But most of those Senators who endorsed Murkowski's resolution also oppose the most plausible remaining vehicle for legislating carbon limits: The comprehensive energy plan that Senators John Kerry, D–Mass., and Joe Lieberman, ID–Conn., recently released. Together, those twin positions effectively amount to a vote for the energy status quo.''

Let's not kid ourselves. The Senate has never solved a problem by delaying. And on the issue of climate change, we have delayed action too long, for two decades we have stood still. We have stood still while other countries race ahead, while we lose market share in a global market, and while China and India create jobs and profits racing ahead with technology that Americans invented.

Mike Splinter, the CEO of Applied Materials, crystallized our choice in his May 25 op-ed. He said, ''Our failure to act has consequences. Ten years ago, the U.S. accounted for 40 percent of worldwide solar manufacturing. Today that figure is less than 10 percent. Meanwhile, China has gone from producing five percent of the world's solar panels in 2007 to nearly half last year . . . Over the next five years, China, India and Japan will out-invest the US in energy technology by at least three-to-one.''

And still here we are debating the science itself, still distracted by campaigns to foster the idea that climate change was ''theory rather than fact.'' That is the same campaign the tobacco industry waged for decades, arguing that the link between cigarettes and lung cancer was ''theory rather than fact.''

Well, you can delay the inevitable only so long. If you put science on trial, as they did in the famous Scopes Monkey trial in 1925, the truth will win out. And I will tell you the science on climate change is more definitive than ever and more troubling than ever.

Globally, temperatures are at an all-time high, with the first decade of this century conclusively establishing as the hottest decade on record. Man-made pollution is acidifying our oceans at a rate at least 10 times faster than previously thought, creating inhospitable physical conditions for shell-building animals that serve as the basis of our ocean food chain. Sea level rise is threatening cities like Boston, where city officials are actively planning for how to manage 100-year floods that are now becoming 20-year floods, in the face of global sea level rise of three to six feet by 2100. Worsening drought conditions will create persistent drought in the Southwest and sharply increase Western wildfire burn area. And the National Academy of Sciences has confirmed that these damages may be irreversible for 1,000 years.

Those who say we are not ready, we need more time, miss the fact that we know what we have to do and we know how to do it in a way that makes economic sense. We have debated bipartisan energy and climate legislation in the Senate for years, beginning in earnest with the McCain-Lieberman bill of 2005. The House of Representatives passed a comprehensive energy and climate bill nearly 1 year ago, and the Senate Environment and Public Works Committee reported out a similar bill last fall. Over the last several months, Senator LIEBERMAN and I, with the help of Senator GRAHAM, built on these

efforts to develop the American Power Act.

Our legislation adopts the formula originally developed by Republicans and implemented by President George H.W. Bush, that environmental goals should be achieved at the lowest possible cost to American consumers and businesses. In fact, the nonpartisan Peterson Institute for International Economics just completed the first independent analysis of the American Power Act, and found that the bill would generate a decade of multi-million-dollar investments, creating 200,000 new jobs a year and reducing foreign oil imports by 40 percent. The study also says that because of the strong consumer protection provisions in the bill, American families will see a $35 net decrease in energy costs annually through 2030.

The Senate can and must take action this year, and the American Power Act provides the foundation for getting the job done. I urge my colleagues who recognize the threats caused by our oil dependence to close the gap between words and action and join us in passing a bill this year. We have collectively kicked the can down the road long enough, and the Nation is less secure as a result. It is time to stand with 75 percent of the American people and pass energy and climate legislation that makes a meaningful and lasting difference.

Before I yield the floor, I would like to make one final point. While many members have come to the floor today to eviscerate the EPA and create a caricature, the reality is that the Agency is taking a thoughtful, measured, step-wise approach to regulating greenhouse gas emissions. Administrator Jackson has logically committed to addressing the largest sources first: new power plants or factories that emit over 100,000 tons of greenhouse gas emissions, or existing plants that undergo significant expansions representing over 75,000 tons, and they won't go into effect until over a year from now. Contrary to the wild claims you have heard today, these regulations will not impact small businesses or family farmers, and will remain focused on only the largest polluters for at least the next 6 years.

Mr. President, protecting our environment does not have to be a partisan issue. On the first Earth Day in 1970, more than 20 million Americans, Republicans, Democrats, Independents, all turned out to protest the pollution of our environment. And later that year, President Nixon signed the EPA law because Republicans recognized as much as Democrats that we had to put an end to rivers catching on fire, Great Lakes dying, and air pollution so great that on some days here in Washington you could barely see the Capitol from Arlington Cemetery.

It has been 40 years since we put the EPA in charge of cleaning up our water and air, and its track record is indisputable. Russell Train, the EPA Administrator during the Nixon and Ford administrations, emphasized in a recent letter opposing the Murkowski resolution that the economic benefits of the Clean Air Act have exceeded its costs 10 to 100-fold. But the resolution under consideration today would stop the EPA in its tracks, without any sort of alternative plan for addressing the greatest environmental threat of our time. Let's stop the demonizing and get to work.

Today we should be debating how to craft comprehensive energy and climate legislation, not how to reverse the important progress that is underway. This amendment is a distraction. It is an excuse. It is time for the Senate to do what this institution was meant to do, and provide leadership on an issue that is crying out for it.

I have been listening carefully to a whole bunch of our colleagues on the other side of the aisle come to the floor and talk about what this is not about. Every single one of them has laid out a rationale for doing away with something as if it were a regulation. They come to the floor and, frankly, there have been very few facts here, because I keep hearing about the tailoring rule of the EPA, that does not take effect until 2016, which lays out a whole process by which we normally do things.

But we keep hearing our folks on the other side of the aisle say this is not something that Congress intended, or this is not something we should leave to the bureaucracy. Neither could be further from the truth.

We created the law on which this is based. The Congress passed the Clean Air Act, and the Supreme Court of the United States, not a bureaucracy, made a fundamental health finding decision that, in fact, global climate change is happening, and that the pollutants of greenhouse gases are, in fact, included in what the Clean Air Act envisioned.

The Supreme Court has dictated this policy, and they dictated it as a matter of health, not as a matter of some bureaucratic rule. We do not have a rule in front of us right now. We have a process by which the EPA is going to go through, determine what they may or may not do.

I heard my colleague from South Dakota come to the floor and say: Well, all we are trying to do is delay this so Congress can act. This is going to be the great hypocrisy test resolution. We are going to see how many of those folks who are here on the floor saying: We need to leave it to Congress, how many of them are actually going to show up and vote to do what we need to do in order to change things. How many of them are going to be on the front lines trying to, in fact, make the things happen that have to happen in order to restrain greenhouse gases?

We heard him say: We are just delaying this. No, they are not just delaying it. That is not true. Because under the Administrative rule act, when you reject a resolution, have a resolution of rejection, as this is, you are specifically not allowed to come back with the rule or anything like it.

Let me read specifically from there. It says:

> A rule shall not take effect if the Congress enacts a joint resolution of disapproval.

That is what this is.

> (2) A rule that does not take effect under paragraph 1 may not be reissued in substantially the same form, and the new rule that is substantially the same as such rule may not be issued.

There it is, plain and simple, folks. That is what is happening here. This is an effort to permanently prevent the EPA from ever taking up the question of greenhouse gases and their right to restrain them.

Let me read exactly what the Supreme Court said. This is the Supreme Court. And let me put a little politics history behind this. In 1999, under the Bush administration, the first Bush administration, they did not want to do this, for all of the same reasons people do not want to do it now. So people went to court to get them to do what they are supposed to do in the public interest. But it was challenged. It went all the way to the Supreme Court, and here is what the Supreme Court of the United States said. Greenhouse gases ''fit well within the Clean Air Act's capacious definition of air pollutant.''

So the Supreme Court of the United States, not a bureaucracy, found that the intent of Congress was properly being fulfilled in the effort to restrain greenhouse gases. What Senator MURKOWSKI and colleagues are trying to do here is undermine the health finding. This, in fact, is represented by the Supreme Court.

The Court found that climate science has already indicated that rising levels of greenhouse gases were warming and harming the Earth. They go through that reasoning. The Court then said they reviewed the history of the Clean Air Act and found that in 1970, Congress added a broad definition of ''welfare,'' including ''effects on climate.''

Finally, the Court found that the Clean Air Act's sweeping definition of ''air pollutant'' unambiguously includes greenhouse gases. That is why we are here today.

What our colleagues are trying to do is prevent this from happening. They are repealing an entire health finding.

It is kind of interesting. Look at the people who represent health in the United States: the American Academy of Pediatrics, Children's Environmental Health Network, American Nurses Association, American Lung Association, American Public Health Association, National Association of County and City Health Officials, Trust for America's Health, Physicians for Social Responsibility, National Environment Health Association, American College of Preventative Medicine, and on it goes. All of them are opposed to what Senator MURKOWSKI is doing because it does not represent the health interests of the country.

We have heard a lot of arguments, but for all the discussion and rhetoric, the choice before us is stark and simple. This is not a simple delay. This is brought to us by some of the same people who have resisted doing anything about many of these things for ages. Why is it that the United States is more dependent today on foreign oil than we were before September 11? It is because we haven't done anything to reduce our dependence on foreign oil. We have an opportunity to do it now. This is about that.

The same people have resisted changes through the years—resisted CAFE standards, resisted changing where and how we produce oil, a long list of things that have been prevented from happening. The American people today are paying $100 million a day to Ahmadinejad and Iran in order to buy oil because we haven't reduced it.

The option is whether we are going to get serious about those other things. This is a vote between whether we recognize the greatest environmental risk of our time or whether we legitimize deniers of that. It is a choice between protecting the health of our families and the air we breathe or whether we continue a pattern of pollution that threatens our children and communities. That is what the EPA was set up to protect. It has protected that through the years. This is a question of whether we are going to get serious about policies that will put America on a path to energy independence or increase our Nation's oil dependence by another 450 million barrels.

The stakes for our country are enormous. If Members have any doubt about that, every day on television everybody is seeing what is happening in the gulf, the result of one single accident, one single offshore oil well.

In April of 2007, the Supreme Court, for the first time, issued a ruling on the issue of climate change. Some people don't like it. The Roberts Court was asked to consider the Bush administration's refusal to issue greenhouse gas standards for cars and trucks. The case hinged on just two things: Does the Clean Air Act authorize the regulation of greenhouse gases, and, if so, should the EPA set emission standards for motor vehicles?

The decision by the majority was conclusive on both fronts. In light of that, the Justices directed the EPA to fulfill its obligation under the Clean Air Act to determine—I emphasize—based on scientific evidence whether greenhouse gas emissions for cars and trucks pose a threat to human health.

On May 19, the National Research Council, which is our Nation's leading scientific body, declared in its most comprehensive study to date that the evidence of climate change is overwhelming. They urged early, aggressive, and concerted actions to reduce emissions of greenhouse gases. The resolution we are debating today would achieve absolutely the opposite goal. We are being asked to vote down the science, to squander billions of barrels of oil savings, and shirk our responsibility to address the greatest national security and environmental challenge of our time.

Some may say, no; they are just trying to restrict the bureaucrats from doing this. Everybody understands what this battle is all about. By invalidating the fundamental scientific finding that greenhouse gases, in fact, pose a threat to human health and welfare, this resolution would remove the legal basis, the legal foundation for the agreement that was reached last year to regulate greenhouse gas emissions from cars and trucks.

According to the Union of Concerned Scientists, this agreement, the agreement to which I am referring, is on track to save American consumers a total of $34 billion and to create 263,000 American jobs in 2020. The agreement also takes a huge step forward toward energy independence by reducing our oil consumption by 1.8 billion barrels. If we remove the EPA's authority to jointly implement those regulations with the Department of Transportation, then we lose the foundation for proceeding forward with that benefit. That is the minimum amount by which this resolution would increase our oil dependence.

In light of President Obama's recent announcement that the administration plans to extend the vehicle standards beyond 2016, the prohibition on the EPA action would eliminate significant additional opportunities in the future to reduce our Nation's oil consumption, increase our energy security, and draw a bright line between ourselves and those nations that want to do us harm.

Why are we being asked to affirmatively reject a scientific finding that has been based on overwhelming evidence, and why would we be asked to reject potentially billions of barrels of oil savings? We are told Congress needs more time to develop energy and climate legislation. The Federal Government has to be stopped from making progress in the interim.

I have been meeting with my colleagues now for over a year at least, over 20 years that I have been working on this issue. The distinguished chairwoman of the Environment and Public Works Committee, similarly, and others, have been at this for a long time. I am struck by the irony that many of the proponents of this argument are the very same people who, at every opportunity, have avoided engaging in a serious legislative effort to try to reduce greenhouse gas emissions or deal with climate change.

On the one hand they say it is the job of Congress, not the EPA. Then they stand in the way of Congress doing its job in the first place. They stand in the way even at a time when we have built an unprecedented coalition of industry—the faith-based community, the national security community, businesses small and large, environmentalists, all of whom believe we now have a method by which we can grow jobs in our country, increase energy independence, and reduce pollution all at the same time.

Let me share with colleagues what Ron Brownstein, one of the keenest observers of Washington, summed up in writing the following:

> It's reasonable to argue that Congress, not EPA, should decide how to regulate carbon. But most of those Senators who endorsed Murkowski's resolution also opposed the most plausible remaining vehicle for legislating carbon limits.

I want to make sure we understand something as we do this. A lot of people have come to the Senate floor to eviscerate the EPA and create a caricature of that Agency, when that Agency, frankly, is taking a thoughtful, measured, stepwise approach to regulate greenhouse gas emissions.

Administrator Jackson has said she is committed to addressing the largest sources first, new powerplants or factories emitting more than 100,000 tons of greenhouse gas emissions, and then going to those over 75,000 tons. None of that will even go into effect until a year from now through the normal administrative public process that we have set up for our agencies to represent us.

It is astonishing to me that this has become a partisan issue. In 1970, 20 million Americans came out of their homes to march in the streets because they saw the Cuyahoga River in Ohio light on fire. They wanted to stop the pollution. We passed the Clean Air Act, Clean Water Act, Safe Drinking Water Act, marine mammal protection, coastal zone management. The history of the implementation of those acts has been to clean up rivers, clean up lakes, and see fish swim again where they didn't, to be caught again by kids who go fishing with their parents. We brought that back. Now we are trying to undermine the ability to continue that job, to make the health and welfare of our citizens better, and to lead the world with respect to these technologies. The United States is not leading in one of these technologies today. It is time for us to understand, we need to get our act together.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, I thank Senator KERRY. We now turn to Senator LIEBERMAN for 5 minutes, followed by Senator MERKLEY for 5 minutes.

The PRESIDING OFFICER. The Senator from Connecticut is recognized for 5 minutes.

Mr. LIEBERMAN. Mr. President, I thank Senator BOXER for her leadership in this matter.

I rise to oppose the resolution offered by my friend from Alaska, and she is my friend. I rise to say that I think, though I oppose the resolution, that debate on the resolution has clarified the choices Members of the Senate have on this matter. I think it has illuminated the scientific consensus, and

in the end, the defeat of this resolution, which I hope for and support, will actually increase momentum to adopt comprehensive energy and climate legislation this year which is the real alternative to executive action by EPA next January.

I know several of my colleagues have argued today that this resolution is about stopping EPA from regulating greenhouse gas emissions and preserving that role for Congress. But the resolution does, of course, much more than just offer an opinion about who should regulate greenhouse gas emissions. It rejects EPA's finding that ''six greenhouse gases taken in combination endanger both the public health and the public welfare of current and future generations'' of Americans. It would also prevent EPA from reaching a similar conclusion in the future.

To me, that means this resolution looks an awful lot like an attempt to impose political judgments on scientific judgments. That is wrong.

There has been a lot of talk over the years of basing what we do on sound science. This resolution would lead us in exactly the opposite direction. Should the resolution become law, Congress would in effect be saying EPA was wrong when it reached its conclusion that global warming emissions harmed public health. Since that finding was the basis for EPA's tailpipe emissions standards, the Murkowski resolution would send EPA back to the drawing board on those rules, which are broadly supported by the business and environmental communities and significantly increase both our dependence on foreign oil and air pollution.

Regardless of whether my colleagues believe Congress or the EPA should determine our national strategy for addressing the threat of global warming, I hope they can agree that unchecked carbon dioxide emissions endanger human health and welfare. Frankly, I thought that debate was over. Climate change is happening. The science is convincing. The current pattern of energy consumption is just making a bad problem worse. It is time to move past the debate about climate science and engage in an honest, productive, bipartisan conversation about what we can do as a nation, as a people privileged to be leaders of this Nation, to combat the problem, the challenge that science tells us is happening.

The solution we come up with can and will create good jobs. It can and will ensure our role as a leader in the global clean energy economy. It can and will safeguard our national security by safeguarding our energy security. Last month, Senator KERRY and I presented the American Power Act, which I think achieves all of those goals I have stated and more. It is the product of months of discussions with Republicans and Democrats, the business community, and the environmental community. Together I think we came up with an innovative approach to addressing both our energy and climate challenges. It enjoys broader support than any similar proposal I have ever been involved in from the business and environmental communities. It is a coming together of the work of the Environment and Public Works Committee under Chairman BOXER and the Energy Committee under Chairman BINGAMAN.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LIEBERMAN. I would say, finally, there is a path forward that allows Congress to act but does not reject the science of climate change. That path forward is a ''no'' vote on the resolution and a ''yes'' vote on comprehensive energy and climate legislation like the American Power Act.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, before we hear from Senator MERKLEY, I want to note that immediately following him, Senator BINGAMAN will have 5 minutes.

The PRESIDING OFFICER. The Senator from Oregon is recognized for 5 minutes.

Mr. MERKLEY. Mr. President, today I rise in opposition to the resolution before us from my colleague from Alaska.

Since 1970, the Environmental Protection Agency has been charged with responding to and identifying threats to our atmosphere, threats that affect public health, threats that affect weather, threats that affect climate.

During this time, the EPA has identified and responded to many threats: sulfur dioxide; nitrogen dioxide; mercury, a potent neurotoxin; lead, lead that was poisoning the air our children breathed and affecting their mental development. In each of these cases, we had a force that said: We must respond.

Now, today, we have before us a resolution which says: It does not matter that our public health is being affected. We are going to overturn the finding. We are going to call the science invalid. We are going to say politics, not science, should be the foundation of our policy.

This, of course, is the attitude that was put forward year after year during the Bush administration: Take the scientific papers and shred them. Take the scientists and set their views aside. Today, we have a continuation of that Bush strategy of burying science. It is the wrong foundation for public policy to bury science. We should take and respond responsibly.

We have now before us a finding that was developed actually by the scientists in the Bush administration. You might recall, it was the Bush administration scientists who first developed the finding related to changing the atmosphere with the global warming gases of methane and carbon dioxide and other gases that are changing the chemistry of the environment, and that we have to respond to protect the health of our citizens—a straightforward concept, supported by the scientists of the last administration and by the scientists of this administration.

Not only that, but we are proposing in this resolution to undo the tailpipe emissions rules that reduce our demand on foreign oil. This resolution will increase our demand for foreign oil by 455 million barrels per year. That is a lot. Let me translate that. That is not equivalent to the amount of gasoline to drive around the Equator once. No. That is not equal to the amount of gas to drive around the Equator 10 times. Not at all. It is not even equal to the amount of gas to drive around the Equator 1,000 times. This is an increase in our dependence on foreign oil equal to the amount of gasoline that would propel a car around the Equator 10 million times.

This means far more money in the hands of foreign governments that do not share our national interests. This means a compromised national security. This means a lot of additional carbon dioxide being put into the air. And this means a lot more harm to the citizens of the United States.

Burying science is wrong. This resolution that challenges our national security, diminishes our economy, and threatens the atmosphere and our public health is also wrong. It must be defeated in this Chamber.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from New Mexico is recognized for 5 minutes.

Mr. BINGAMAN. Mr. President, I will vote ''no'' on the Murkowski resolution of disapproval. Senator MURKOWSKI and I have worked together on a comprehensive energy bill this Congress and also on a cap-and-trade bill in the last Congress. She has been very consistent in her view that we need to act on the issue of global warming but that we need to be sensitive to the impacts of such legislation on our economy.

I appreciate the concerns she has voiced with respect to the need to protect industry from onerous regulation. I firmly believe those views are sincere. I disagree, however, with the substance of this resolution, in that, regardless of overall intent, it is asking Congress to overturn a scientific finding made by some of our best scientists. In my view, the EPA should not be prevented from continuing its work to reduce greenhouse gas emissions until Congress is able to prescribe a more permanent fix.

For the past several Congresses, we in Congress have been engaged in a dialog on how best to provide a permanent fix. There have been many bills introduced on the topic. We have had several votes on specific legislation. Each time, though, we have fallen short of actually enacting legislation. Now, as a result of the Supreme Court ruling, we are in a situation where the EPA is required by law to take action to regulate greenhouse gas emissions.

There is a near universal agreement among Members of the Senate that it

would be better for Congress, rather than the EPA, to take action and to prescribe the means of regulating greenhouse gases. Congress has the ability to consider the whole economy and the global scope of the problem in a way that is not available to the Administrator of the EPA under the Clean Air Act. Congress can design and enact policy that would be mindful of the wide range of stakeholders and minimize its economic impacts, and ensure a smooth transition to a clean energy economy.

I continue to support action by the Congress to regulate greenhouse gases instead of direct regulation by the EPA under the Clean Air Act. However, the resolution before us is not about whether the EPA should be regulating greenhouse gases or how they should go about it. We are, instead, being asked to vote on whether the EPA was correct in its finding that ''current and increasing levels of greenhouse gases threaten the public health and welfare of current and future generations.''

Frankly, there is nothing controversial in this fundamental scientific finding. It has survived intense scrutiny by thousands of scientists and interested parties the world over in the past decades. Just last month, in a report delivered by the National Academies of Science at the request of Congress, this finding was further supported by our Nation's top scientists. So this vote would amount to a congressional rejection of the most basic findings of climate science, and how we vote today will be looked on by many, including the international community, as they evaluate America's commitment to address this global problem.

Finally, I have reviewed the EPA's actions on greenhouse gas emissions and their recent tailoring rule that would ensure that only the very largest sources would be subject to any kind of regulation. Of these very large sources, only those that are new or are pursuing major modifications will be required to implement new control technologies.

As EPA considers what technologies must be implemented, the economic viability of the technology is taken into account as well. I believe it is important that EPA continue with its work and that we in Congress get on with taking the steps we need to take. For these reasons, I urge a ''no'' vote on this resolution.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Ms. MURKOWSKI. Mr. President, I am assuming that time on the Democratic side has expired.

The PRESIDING OFFICER. The time has expired.

Ms. MURKOWSKI. I thank the Chair.

At this time, in our remaining 30 minutes, it shall be allocated as follows: Senator COBURN for 5 minutes, Senator ROCKEFELLER for 10 minutes, followed by Senator MCCAIN for 5 minutes, and then I will conclude with 10 minutes.

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

The Senator from Oklahoma is recognized for 5 minutes.

Mr. COBURN. Mr. President, I have listened to a great deal of the debate. I have heard it claimed that the EPA has scientists; that none of us are—except that is not accurate. There are about four or five trained scientists in the Senate, and I happen to be one of them. But the whole predicate that we heard from the Senator from Massachusetts was: The basis was the Supreme Court. They are certainly not scientists.

The other thing I would reject is what the Senator from New Mexico said. As a scientist—and if you read the minority opinions on all the reports they have cited—this is not settled science. Even if it were, this is one Senator who would say this is not the time to do this. Our economy is still on its back, and it is going to be that way for the next 4 years. We have massive problems in front of us. And we are going to add a ruling—not a congressional ruling, a bureaucratic ruling—that is going to kill jobs, that is going to increase the cost of everything we produce in this country because it all starts with energy. It is going to mandate changes in behavior that will affect every family in this country. So even if it were absolutely true, I would tell you we should not be doing it now.

The second thing is to say that the EPA is going to do this. Do you realize the EPA cannot even train 250,000 contractors for lead paint? They blew it. They totally blew it. They were incompetent, and, consequently, we have hundreds of thousands of people who today still are not working on older homes because of the EPA's incompetence.

So for us to claim we have to do this now, and we should not reject this now, is like cutting off our nose to spite our face. No matter what anybody says, it is going to have a major impact on our economy at the time when we cannot afford to have another negative drag on our economy.

Even if it is true—it is not; but even if it is—it would be stupid for us to do this now, especially when the rest of the world is not coming along at all and the footprint we might minimize will not have any impact on the health of Americans. So we are going to have a certain amount of CO_2 no matter what because the Chinese certainly are not doing it, the Indians certainly are not doing it, and they are building one smokestack a day in China right now.

So for us to take this action—in light of the incompetency at the EPA, in light of our economic situation we find ourselves in—I find it highly ironic, even if it is the right thing to do, now is not the right time to do it, given the place where we find ourselves economically in this country.

Then, finally, I have been in this body for 5 years, and I have heard, time and time again, the people opposing this motion to disagree complain about an administration taking away our rightful legislative duty. This is not something that should come from a bureaucracy. This has way too big of an impact.

If we cannot get it through Congress, it should not happen. That is what our country is set up on. Instead, by default, we are going to allow a bureaucracy to take over what we are supposed to be doing? The way this country works is, if we do not do it, it should not be happening because there is not a consensus in the body to get a clean energy program out of the Senate. So you cannot have it both ways. You cannot complain about it when you are seeing it in things you like and not complain about it when it is things you do not like.

I will finish with this one point: We better be very careful in this body about what we are doing. We are playing with the future of 200 million Americans that is extremely precarious at this point in time from an economic standpoint. We can claim all the long-term negative health consequences, but as a physician, if you do not have an economy or you have an economy that crumbles, no matter what you have done on that, you have not helped anybody.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. COBURN. Mr. President, I yield back and thank the Senator from Alaska for the time.

The PRESIDING OFFICER. The Senator from West Virginia is recognized for 10 minutes.

Mr. ROCKEFELLER. I thank the Presiding Officer.

I rise today to lend my support to the Murkowski Resolution of Disapproval for one simple but enormously important reason: because I believe we must send this strong and urgent message that the fate of our economy, our manufacturing industries, and our workers, including our coal workers, should never be placed solely in the hands of the federal Environmental Protection Agency. I have long maintained this in Congress. I have been around here for a while. I was a Governor for 8 years. I think the elected people, and not the unelected EPA, have a constitutional responsibility here and on an issue which is so totally important. We are accountable to those people.

Some here seem to talk about other aspects of this. I tend to focus, as a VISTA volunteer who went to West Virginia and lived among coal miners, on people and all the problems, including the problem of climate change, that attend to their future.

I am not here to deny or bicker fruitlessly about the science, as some would suggest. In fact, I would suggest that I think the science is correct. However, it doesn't one iota deter from my support of the Murkowski resolution.

I care deeply about this Earth and resent anybody who suggests otherwise about either me or the people of my State. I care about the fundamental human commitment—the higher calling we all have—to be a steward.

Greenhouse gas emissions are not healthy for the Earth or her people, and we must take significant action to reduce them. We must develop and deploy clean energy, period. I accept all of that. But EPA regulation is not the answer. EPA has little or no authority to address economic needs. They say they do, but they don't. They have no ability to incentivize and deploy new technologies. They have no obligation to protect the hard-working people I represent with deep and abiding passion—people who changed my life. I was born anew in the coalfields of West Virginia at the age of 26. So I fight for my people. I understand I am a Senator, but I am a Senator from West Virginia, and I have a right to fight for them, and I do, and I support Senator MURKOWSKI's amendment because of that. Their jobs matter. Their people, their work matters. Their lives matter. Any regulatory solution that creates more problems than it fixes and causes more harm than good in the real lives of real people, if they are affected badly, is no solution at all. I won't accept it. It is not something I will be a part of.

We are capable of tackling this great challenge in a way that supports rather than undermines our economy and our future. But the process has to work. It has to be open. It has to be not the property of a couple of people, but it has to be something the Congress comes to understand. I have always felt that if you went to more than 10 percent of the Congress, House and Senate, and asked them to explain what cap and trade means, they would have no idea. That was one of our problems with the health bill. It is fairly important that people understand what it means on this bill—not on this bill but the bill that is being talked about.

I am willing to work with people on a solution, but it has to be legislative because on this, above all, the Congress must decide. I don't care about the Supreme Court. I don't care about EPA in the sense of them being the final voice on the future of my people in the State that has some of the most carbon of any in the country. I know people laugh at coal. We don't. You can't run this country without coal. I am for all alternative fuels, even nuclear, to my surprise. I am for all of them. But when you add them all up, nobody can make the point that you can do any of this without coal. Does it have to be cleaner? Absolutely. Is there any excuse for not making it cleaner? No, there is not. But you can take 90 to 95 percent of the carbon out of it. That is a solution for our people, and we mine coal. We mine coal and send it to the States of people who are drawing up this bill. I just wish they knew us a little better.

I asked Administrator Jackson to clarify the EPA timetable as well as the impact of EPA regulations on industrial facilities. She responded quickly to my letter. She was nice about it. She showed some willingness to set a timetable, moved it up about a year, and I appreciate that. But she also made clear that the EPA's regulations will go forward regardless of whether Congress has acted on a comprehensive energy policy and regardless of whether Congress has given the EPA a direction in law about how and when and upon whom those regulations should be imposed.

So I introduced my own legislation to suspend EPA action for 2 years. It is a little different from the Murkowski legislation, but it makes the same point. The EPA can't decide. We have to. Some can ridicule that. I don't. I am elected to protect my people and my country, but first comes my people and especially on this issue.

I support legislation to prevent any future catastrophe like the oil spill, which is, to my mind, a totally separate issue and has no business being discussed at the same time this is being discussed. I also support legislation to advance new clean energy and clean coal technologies.

West Virginia is poised to lead a major part in the effort on clean technology because we know energy. We have lived with it for the last 150 years. We know coal. We know natural gas. We are coming to know CCS as few others do. It is a triumph when one of our power plants reduces 90 percent of the carbon emissions from the flue stream that it treats. That is a triumph to us—maybe to nobody else, but to us it is because it happened and it came from the stimulus package and we were a part of that.

The fact is, we in West Virginia know and embrace what too many others either don't understand or will not choose to see, which is that our Nation is dependent on coal for more than 50 percent of its electricity today, and nothing is going to change that fact. All the renewables in the world will not change that fact.

So I close. Even if the country achieves maximum success for all of the new ideas on the table for new green energy, our American quality of life and the rapid rise of energy needs around the globe will drive the same or greater need for coal for many generations to come. So we better do coal correctly. It is going to be coal that solves it.

Coal mining is hard. It is dangerous. Most people have never been down a mine. A few people who have discussed this don't know what they talk about when they talk about it. And it is not the fault of a coal miner. He just mines or she mines the coal that is out there. That has to be handled at the stationary source.

I don't want EPA making all those rules. I don't want EPA turning out the lights on America. As I said, coal can be cleaner. But the responsibility for putting in place laws and policies that spur new technologies and new ideas and the responsibility for any major energy and environmental policy change lies not with the Federal regulatory agency acting in isolation—I don't even know where EPA is located—but with the Congress, with the people who are elected—us—to be included in a process which has not been well managed to do the right thing.

I proudly support the Murkowski resolution, and I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized for 5 minutes.

Mr. MCCAIN. Mr. President, I am here to speak on the Murkowski resolution before us.

The American people deserve to fully understand what this vote is really about and what is at stake for them if Congress fails to prevent EPA from unilaterally imposing massive regulations that will damage our economy and destroy jobs.

I wish to be clear to my colleagues and to the American people. This vote is not about the science of climate change. It is not about whether Congress should or should not create policies to limit carbon emissions. It is not about protecting oil companies or, as the White House has absurdly claimed, the oilspill in the Gulf of Mexico. What this resolution is really about is whether the American people, through their elected representatives, get a say in our Nation's energy policy through their elected representatives or if they will be bound by the whims of the unelected bureaucrats at the Environmental Protection Agency. More importantly, it is about protecting the American people from a crippling backdoor energy tax that we, and small businesses and large, cannot afford.

I wish I could provide my colleagues and the American people with a detailed assessment of the impact EPA's proposed regulations would have on our economy, but the EPA has refused to provide Congress a comprehensive analysis of the potential economic impact. To paraphrase Speaker PELOSI's comment that we have to pass ObamaCare so we can find out what is in it, I guess EPA will need to impose new regulations on 6 million buildings, facilities, farms, and other ''stationary sources'' before we find out how much it will cost or what impact it will have on the economy.

There is one thing we can all agree on: Allowing the EPA to be turned loose on the American people is a terrible idea that will be extremely expensive. A spokesman from the Edison Electric Institute, which, to their shame, supports congressional efforts to pass a cap-and-trade bill, stated that the only certainty is that EPA regulations to limit carbon emissions would be far more expensive than if done by Congress.

Let's not forget what we now know about the legislation that was passed in the other body. That would cost families upwards—every family—of $1,000 a year. In fact, the Office of Management and Budget warned that:

Making the decision to regulate CO_2 under the Clean Air Act for the first time is likely to have serious economic consequences for

regulated entities throughout the U.S. economy, including small business and small communities.

Even some bureaucrats at the EPA must have realized how crippling these regulations would be to small businesses and farmers, which is why they proposed a tailoring rule to delay the effect these regulations would have on the American public. Unfortunately for the American people, the tailoring rule stands on shaky legal ground.

This is really an Orwellian kind of experience. Demonstrating an unparalleled disregard for congressional intent, the EPA is attempting to make a case that Congress intended to regulate greenhouse gas emissions under the Clean Air Act, even though greenhouse gas emissions were not formally addressed by the act. Conversely, EPA claims that the tons-per-year threshold set by Congress in the Clean Air Act should not apply to greenhouse gases. In simpler terms, EPA believes that although Congress didn't cover greenhouse gases under the Clean Air Act, it really did, and although Congress set thresholds for covered pollutants, it really didn't.

Finally, for those who claim this is somehow about protecting oil companies, I suggest we listen to what over 425 companies and organizations are saying about these regulations. Small business men and women across the country are telling us that EPA's proposed greenhouse gas requirements will stifle economic growth and disadvantage them in the global marketplace. I suggest we listen.

So here we are. Here we are. Last Tuesday, we had a vote where people turned out in massive numbers against what is going on in Washington. They believe their Constitution is being taken away from them. They believe they no longer have a voice in what we do here. What this EPA decision would do is deprive the Congress, our Nation's elected representatives, of a role in profound decisions that would have tremendous effects on the economy of this country.

I strongly suggest that no matter how you stand on the issue of greenhouse gas emissions or climate change, you reject this government, unelected bureaucrat takeover of a significant portion of the U.S. economy.

I yield the floor.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Alaska.

Ms. MURKOWSKI. How much time remains on the Republican side?

The PRESIDING OFFICER. There is 10 minutes remaining.

Ms. MURKOWSKI. Mr. President, as we conclude the day's debate on this resolution of disapproval, I will say that the debate has been good. Many points have been raised, and I appreciate that. I will say, though, as I have listened throughout the course of the 6 hours, I have heard consistently on the side of those who support this resolution of disapproval—I have heard consistently that this is about jobs, it is about the health of our economy, it is about the strength of the economy as a whole and about really ensuring, again, that our Nation remains strong while at the same time we take care of our environment. These are not mutually exclusive goals—never have been and never will be.

I want to address some of the statements that have been made here and made very clearly.

First is the issue of overreach—overreach by the EPA into the domain of the legislative branch. This has been spoken to so many times as we have discussed this resolution of disapproval—that the overlapping triggers that are contained in the Clean Air Act effectively give the EPA control of our Nation's energy and climate policy. I do not think that is a sane and rational policy when we cede our authority in the legislative branch to effectively allow our energy and climate policy to be developed and implemented by an agency, that being the EPA. This has huge implications for the separation of powers and our constitutional system of checks and balances, not to mention what I said at the outset—the jobs and the recovery from this economic recession.

This is not a debate about the science. Science has been discussed a lot. Really, this is about how we respond to the science. We are not here to decide whether greenhouse gas emissions should be reduced. We are here to decide if we are going to allow them to be reduced under the structures of the Clean Air Act. Unlike what some of my colleagues have said, this resolution doesn't gut the Clean Air Act at all. It doesn't address it. It does not change the text in any way. It only prevents a massive expansion of its authority.

It has been suggested that somehow or other this resolution is a bailout; somehow or other this is tied to the disaster in the gulf; somehow or other this is all tied to the oil industry. Again, this is absolutely not anything that has to do with the disaster in the gulf, in no way, shape, or form.

The suggestions that somehow or other this is all about big oil belies the coalition of support that has been built across this country, from Maine to Alaska and all the points in between—530 organizations, different stakeholders all over the board, in terms of why they feel EPA should not be setting climate policy for this country.

You cannot see this chart because the print is so small. I apologize for that. But there are 530 organizations, businesses, stakeholders, and advocacy groups that have endorsed this bipartisan resolution. So you look through here and you say: OK, are these all the oil and gas organizations that are in this country? But I will just direct you to some of the ones from, for instance, Texas. Texas is an oil- and gas-producing State.

Look at Texas. There is the Texas Agricultural Cooperative Council, the Texas and Southwestern Cattle Raisers Association, Texas Aromatics, Texas Association of Agricultural Consultants, Texas Association of Dairymen, Texas Cattle Feeders Association, Texas Citrus Mutual, Texas Cotton Ginners' Association, Texas Independent Ginners Association, Texas Food Processers Association, Texas Forestry Association, Grain and Feeders Association, Nursery and Landscape Association—and I am only halfway through the Texas organizations that support our resolution of disapproval.

So the suggestion that somehow this is all tied into the oil industry, again, just simply does not comport with what has been happening. Why are these organizations standing up and speaking out and saying this is not the path we should be taking with climate? It goes back to the jobs. It goes back to the issue of where we are as an economy. It goes back to the level of bureaucratic overlay that will be imposed on the California Citrus Mutual or the California Cotton Growers Association or the Carpet and Rug Institute or the pizza company from Ohio.

This is absolutely about how we as a Nation determine those policies that will, in fact, allow us to have the clean air we all want. But we can achieve those goals in a way that isn't going to kick our timing in the head. Who can do that? Is it the EPA, whose mission is solely and exclusively that we have to follow the letter of the law here? The letter of the law says to not only go after the big polluters but all the way down to the small emitters, which emit 250 tons of carbon per year. And every effort EPA may want to make in terms of tailoring, all it is going to take is one lawsuit that challenges that tailoring to inject the uncertainty back into the market, back into the business place. So once again we have an economy that just can not get back on its feet.

This is not a referendum on any other bill that is pending in Congress, but it is a check on EPA's regulatory ambition. It presents an opportunity for us to stop the worst option for regulating greenhouse gases from moving forward, while we work on a more responsible solution.

I want to take a moment to thank my colleague from West Virginia, who spoke very passionately about why he supports this resolution—because of the people he represents. I ask all of us to look to the people we represent. Look at your small businesses, your farmers, your ranchers, your pizza manufacturers. Look to them. Look to the health of their families and their communities.

I have a packet here that outlines the broad support for this resolution among the Alaska stakeholders. It is everything from our Alaska State Legislature to our Governor, our seafood processors, our small business refiners, those who are trying to get an Alaska gas line in place, our native corporations, the assembly from Anchorage,

letters from local mayors. I am listening to what the people of Alaska are saying. They are making very clear that they want to ensure that when we develop climate policy, the ''we'' is ''we the people,'' we the elected Members of Congress, and not those unelected bureaucrats within an agency who will not only develop that policy but then in turn implement that policy. The Alaskans I am hearing from are saying: Make sure that as we as a State try to build our economy, we can do so in a manner that allows us time.

The PRESIDING OFFICER. The Senator's time is up.

Ms. MURKOWSKI. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, I ask unanimous consent that the remaining time on our side be divided as follows: myself, 2 minutes; Senator UDALL of Colorado, 5 minutes; Senator LAUTENBERG, 5 minutes; and Senator BOXER for the remainder of the time.

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

Mr. MERKLEY. Mr. President, this debate is not about the overreach of an agency because indeed this Congress charged EPA with responding to threats to our atmosphere that endanger the public health of our citizens. We asked them to do that because we know that if it was decided on this floor piece by piece, it would be politics over policy. So we gave them the responsibility to respond to lead, to respond to mercury, to respond to global warming gases, and they are exercising that responsibility in a very moderate fashion.

Second, this is about science because this resolution does not say we accept the science but we are going to change the way we respond to it. It doesn't say that. It says we reject the science. It says we reject the endangerment findings to the public health of our citizens.

Third, this is about big oil. Have no doubt, this resolution increases our dependence on the Middle East and Venezuela to the tune of an enormous amount, so much that you would have to drive a car around the Equator 10 million times to consume that oil. It is wrong for our national security and wrong for our economy, and if you have any doubt, take a look at the impassioned plea from the oil industry, saying: Please, don't pass this. Why do they not want us to pass this? They want to sell us that gas from the Middle East and Venezuela and drive a car around the Equator 10 million times or the equivalent across America.

So for our national security and for our economy to create jobs, we must reject this resolution.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, I yield 5 minutes to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. UDALL of Colorado. Mr. President, I thank the Senator from California for her leadership on this crucial resolution before us.

I rise in opposition to the resolution offered by my good friend, the Senator from Alaska.

Recent events have given us pause. If there has ever been a wake-up call, then surely the images of oiled pelicans, docked charter boats, and the sickening plume of oil cascading into the blue waters of the gulf should provide it.

Time and time again, we have seen opportunities to seize our energy future passed up because of our addiction to fossil fuels, our tendency to put off difficult choices or our habit of letting partisanship get in the way. This unsustainable path has led us to a complacent sense of security, and now look at where we are—caught off guard by a tragic set of events in the Gulf of Mexico.

As the gulf disaster has made clear, our existing sources of energy come at a cost greater than just the price at the pump. They can be catastrophically damaging to our economy, our national security, and our environment. I don't have any illusions about our need for traditional energy sources, and on that I agree with the Senator from Alaska. The more quickly we transition to cleaner energy, the sooner we secure a strong and vibrant future for America.

Every year, we send nearly $800 billion overseas to buy oil from foreign countries, some of which clearly don't have our interests at heart. But I believe the resolution we are debating today would help continue this reliance.

Let's not be fooled. We are in a race against foreign competitors in the European Union and in Asia to meet the world's demand for clean energy. Advanced and entrepreneurial countries like ours should do well in such a race. Instead, over the last 5 years, as clean energy started to boom, the U.S. renewable energy and trade deficit ballooned by 1,400 percent. China, South Korea, and Europe are all pulling ahead of us in this crucial race.

I just returned from China, along with Senators FEINSTEIN and HAGAN. My impression, quite simply, is that China appears to be taking bolder actions than the United States.

For example, the largest wind farms and solar farms in the world are being built in China. Moreover, China is investing heavily in safe nuclear powerplants and clean coal technology.

Perhaps, though, most troubling is their development of clean energy is in part financed by Americans who see more stable support and a better investing climate for clean energy abroad.

I believe the resolution from the Senator from Alaska, however well intended, signals to investors that our country is not ready to fully support these investments in clean energy.

While there is a compelling economic and national security case to be made for transitioning to a clean energy portfolio, that is not the only reason. Scientists, industry, and State and local officials all agree that climate change is a challenge our society must address.

In my home State in Colorado, we are already witnessing the effects of climate change. Increased threats from drought, wildfire, and the bark beetle infestation are not theoretical, they are real. Come to my State and see those effects.

I firmly believe to fully jump-start this inevitable revolution we must put a price on carbon. Some have suggested this would lead to job loss. I disagree. Our experience in Colorado tells a different story. By setting renewable targets, we have helped create an exciting, vibrant, growing clean energy economy in Colorado that has delivered thousands of new jobs. Those jobs have remained in this economic downturn because they are real jobs, they are future jobs, they provide the energy we need.

Our financial markets and our energy markets have been waiting for years for leadership from the Congress on this issue. Despite the economic, the environmental, and the national security interests at stake, some of my colleagues seem to be dead set on throwing up barriers in front of investors. This is in part why I am opposing this resolution. It sends a message that the status quo is acceptable. It is not. We need a clear path forward, we need a price on carbon, and we need to set achievable standards for renewable energy to create a positive environment for private investment.

This resolution would block that path. No less than our safety and our security is at stake. I urge my colleagues to vote against this resolution.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I thank Senator UDALL for his remarks.

I turn to a real leader on clean air, clean water, a real fighter for the health and safety of our children and our families, Senator LAUTENBERG, for 7 minutes.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I thank the Senator from California and commend her for the struggle we have had with this issue when, in fact, there should not be any struggle.

This is not an issue, in my view, that ought to be debated. To reduce the protection we want to offer our families to me sounds silly, and I believe to the American public it is going to sound silly as well. I do not ascribe any evil intent on the part of the Senator from Alaska, but I think it is absolutely mistaken.

The question before us today is simply, Whose side are you on? Do you want to afford your children and your grandchildren the most protection they

can have against foul air, against contamination, against pollution generally, or are you worried about the oil companies? We should not have to worry about them. As a matter of fact, they ought to worry a little more about us—a heck of a lot more about us.

Taking nothing away from the experience and the knowledge the Senator from Alaska brings, I was in Alaska the second day after the Exxon Valdez ran aground. I saw the casual attitude that prevailed with Exxon. It told me something about the thinking of these companies. There it was, the ship was foundering. We had people already up there. There were heroic efforts by people from Fish and Wildlife, by people from the Park Service, Interior, up there caressing little seals, trying to get the oil off them so they could survive, eagles and all kinds of animals.

What happened there—and I use this as an example—what happened there is that Exxon was assessed a penalty. They paid the compensatory damages, but they were assigned a penalty for their behavior. They were fined $5 billion. Instead of paying at that time when they made $3 billion—equivalent to $6 billion in today's currency—when they spent all their time in court on lawyers, the $5 billion that was owed to the American people was cut down to $500 million. That is the attitude. We see it with BP—all kinds of disguises, all kinds of fabrications, all kinds of lies, wanting to talk about: This is not such a bad thing; we will take care of it.

First they offered to take care of it. Then they said they will pay the claims and then legitimate claims. Always modifying.

The question is, Whose side are we on? The side of big oil, the people who are right now responsible for much of the destruction in the Gulf of Mexico or are you on the side of your own children, your own grandchildren?

I have experienced it, as most families have, with a child who has asthma and another one who has diabetes. We are not sure of the source of these conditions, but if my colleagues vote for this resolution they are voting to allow a clear and present danger to the health of their own families. How can they do that?

The American Academy of Pediatrics, 60,000 members, all of them well trained in science and medicine, has been clear in the warning that climate change will have the most dramatic effect on children.

What is our responsibility? To me, the responsibility is to take care of our kids however we can do it, protect them from all kinds of dangers. Here is one that will just increase it if we permit this resolution to go through.

Think about your grandchildren coughing and gagging on foul air in the future. I see it in my own family. My oldest grandchild is 16. He has asthma. When the atmosphere is bad, he is in terrible shape. When my daughter takes him—he is a good athlete—to play baseball or otherwise, the first thing she checks is where is the nearest clinic so if he starts to wheeze, she can get there in a hurry.

We have seen a troubling increase of asthma. The rate of asthma in children has doubled, and we know carbon pollution causes increased asthma attacks.

More global warming means increases in malaria and food and water shortages that will devastate children around the globe. Global warming is upon us. We have to solve the problem and with that the pollution of the air.

Put simply, this resolution is an attack—unintentionally I am sure—on children's health but that is going to be the result. That is why the groups that support children and health are opposed to Senator MURKOWSKI's resolution.

The resolution puts politics—politics—ahead of science. The science is clear: Emissions from burning coal and oil are sickening children all around the world, and if we can help them—I don't care what country they are in—we should help them. But we want to take care of those in our country.

The resolution asks Senators to say to the scientists: You are wrong, scientists. I say leave the science to the scientists and not to the politicians.

At the same time, big oil and their lobbyists will stop at nothing to keep our country's dependence on oil, to have us victimized by people who are not our friends, taking our money and at the same time fouling our air. For too long, they have had our country by the barrel and by the throat.

This resolution is a gift to BP. I don't think BP deserves any contributions from the U.S. Congress or from the American taxpayers right now.

This resolution is a direct attack on the Clean Air Act. For the last 40 years, the Clean Air Act has led to cleaner skies and healthier children. When we strengthened the Clean Air Act, big oil rang an alarm that the changes would cost too much and shut down businesses and put Americans out of work. The actual costs were less than one-fifth of the estimates that were projected.

I ask my colleagues to vote for their family, vote for science, which means to vote against the Murkowski resolution. We have to meet our obligations to future generations, and we have to get serious and solve our Nation's problems and move toward a clean energy future and not more carbon pollution and oil.

I urge my colleagues to please vote for their children, vote for their families, vote no on this resolution and keep the future clean for the sake of our children and grandchildren. Don't worry about the oil companies. They will take care of themselves.

I yield the floor.

Mr. BYRD. Mr. President, anyone who has opened a newspaper or turned on a radio in West Virginia recently is aware of the ongoing discussion about the future of the coal and manufacturing industries. There is no doubt that the West Virginia coal industry and many West Virginia workers have been dealt a difficult hand over the past ten years, and are indeed facing some uncertainty about their futures. Such uncertainty is a pressing public concern for our State—and for many other States—and Senator MURKOWSKI has sought to propose a resolution that she evidently feels would respond to those concerns. However, we need to do something other than hold a political vote on the Murkowski resolution, which has zero prospect of enactment, and which would not alleviate uncertainty about the future even if it did pass the Senate. The Murkowski resolution would only foster confusion. I believe that the best and most practical course of action is for the Senate to pass a bill that provides certainty and real answers for West Virginians and all Americans—a bill that will be passed by the Congress and signed by the President before new requirements that would broadly affect our economy are imposed by regulation.

I understand that the Senate Democratic leadership is willing to move forward on a bill that pre-empts EPA action, and can win 60 votes in the Senate, be approved by the House, and be signed by the President into law. Senator ROCKEFELLER recently proposed legislation to provide a temporary preemption of EPA. I know that I am joined by many others in West Virginia in my belief that the Senate find a way to accomplish that objective—an objective that I know Senator ROCKEFELLER and I both share.

I have recently secured commitments from my fellow Senators to provide on the order of $2 billion for each major power plant that installs clean coal technology during the coming decades—with additional funding available to larger projects. I am also negotiating a commitment to provide the West Virginia region with billions more annually to strengthen new and existing regional businesses, to complete the construction of better highways, and to provide other critical investments to ensure that the next generation of West Virginians will have a bright future at home in the Mountain State. President Obama has also assured me of his ongoing support for these priorities of mine.

The way to ensure that we make these transformative new investments in the future of West Virginia, and in the Appalachian coal industry, is for Congress to do the difficult work of enacting the necessary policies. The Murkowski resolution does not accomplish that objective, and it may even undercut our ability to achieve it. The resolution is an open-ended denunciation of many leading scientific studies and regulatory initiatives. Were it to be enacted, the resolution could actually hamper important Federal initiatives—including rules that will assist in the deployment of clean coal technologies

like carbon capture and storage. I also note that the Murkowski resolution is being considered by the Senate via an unusual legislative process that constrains debate and prohibits Senators from offering amendments.

As I have said before, to deny the mounting science of climate change is to stick our heads in the sand and say ''deal me out'' of the future. But we have also allowed ourselves to ignore other realities. It is a simple fact that the costs of producing and consuming Central Appalachian coal continue to rise rapidly. Older coal-fired powerplants are being closed down, and they appear unlikely to be replaced by new coal plants unless we very soon adopt several major changes in federal energy policy. In 2009, American power companies generated less of their electricity from coal than they have at any other time in recent memory. In the last month alone, two major power companies have reportedly announced that they will idle or permanently close over a dozen coal-fired powerplant units that have consumed millions of tons of West Virginia coal in recent years. Moreover, an even larger portion of America's aging fleet of coal-fired powerplants could be at risk of being permanently closed in the coming years—and the ability to sell coal in those markets could be lost for an indefinite period, if there is no new Federal energy policy to support the construction of new coal plants.

Some companies may feel that it is helpful for Congress to go on denouncing a new energy policy that makes it once more attractive to build new coal plants. But those companies are taking this opportunity to invest in natural gas, or other types of investments. They are not thinking about fighting for the longer term future of coal jobs and other jobs in West Virginia. I am. In the meantime, what happens to the miners, other workers, local governments, and many West Virginia citizens during the course of further delay on a new energy bill? They continue to be laid off, and to struggle with insufficient revenue, and to remain frustrated about their uncertain future.

So, there is a long list of compelling reasons to oppose this resolution, and a rather short list of reasons to support it. For the sake of West Virginia's best interests, and the vital longer-term interests of our Nation and our world, the Senate must now move promptly to take responsible, decisive, and effective action on a moderate but major new energy policy.

Mrs. MCCASKILL. Mr. President, today, we are going to be voting on a significant yet controversial resolution introduced by Senator MURKOWSKI. This resolution, S.J. Res. 26, squarely confronts the issue of how the United States will address the issue of climate change and the regulation of greenhouse gases. The resolution speaks directly to whether or not the Environmental Protection Agency should be allowed to regulate sources of greenhouse gases. This is an important issue for the U.S. Senate to address.

In short, the Murkowski resolution disapproves of EPA's recent endangerment finding that greenhouse gases are a threat to public health. This rule is a result of a 2007 Supreme Court ruling directing EPA to make a determination as to whether or not greenhouse gases are a public endangerment. After 2 years of consideration of the scientific evidence, the EPA found that six greenhouse gases are a threat to public health. Senator MURKOWSKI's resolution would nullify this decision.

While I am sympathetic to the concerns raised by Senator MURKOWSKI, the impact of her resolution would be, among other things, to negate the significant progress the EPA has made in increasing fuel economy standards for vehicles. For that reason I am unable to support it.

Instead, I am working with my colleague, Senator ROCKEFELLER, to pass his bill, S. 3072, of which I am a cosponsor, to preserve the EPA's ability to regulate emissions from vehicles but allow the Congress an additional 2 years to address the regulation of all other sources of greenhouse gases.

Like, Senator MURKOWSKI, I believe that the best way to address climate change is to allow Congress time to pass comprehensive legislation, not rely on regulations handed down by the EPA. A legislative approach would allow us to mitigate what likely would result from EPA regulation of stationary sources: unfair cost increases that will be borne by millions of Americans who have no choice but to rely on energy produced from coal. This is my biggest concern, as eighty-five percent of the energy produced in Missouri comes from coal.

I have long stated that I cannot support an approach to greenhouse gases regulation that will unfairly impact Missourians or unduly harm Missouri's small businesses just because they happen to be in a state that is largely reliant on coal energy. Unfortunately, while the resolution offered by Senator MURKOWSKI is an attempt to give Congress greater time to address these types of concerns in any climate regulation, it also negates a historic agreement between the EPA and the auto industry. This goes too far.

Last year, in an unprecedented announcement, the auto industry agreed to allow the federal government to set new standards for vehicle emissions and worked in concert with the government to set these new standards. This was a model of effective, reasonable negotiated rulemaking and should be embraced, not negated. These new standards will reduce U.S. dependence on foreign oil by a projected 1.8 billion barrels, while providing real benefits for consumers. Compared with today's vehicles, a family purchasing a vehicle under the new standards will save, on average, more than $3,000 on fuel costs over the life of that vehicle. If the Congress passes Senator MURKOWSKI's resolution, it will effectively eliminate these new standards. I believe it would be a mistake to jeopardize the progress we have made with the auto industry, lose the consumer benefits of increased fuel economy and lose the benefit to our national security of reducing our dependence on foreign oil.

This is why I am working with Senator ROCKEFELLER to pass his alternative approach to delay EPA regulation of all other sources of greenhouse gases for 2 years. I believe this is a better option that will not unfairly penalize Missourians. I look forward to working with Senator ROCKEFELLER, as well as Leaders REID and MCCONNELL to secure a vote on this very important legislation.

Ms. MIKULSKI. Mr. President, I rise in opposition to the resolution of disapproval offered by Senator MURKOWSKI. This resolution is a stunning departure from the science of climate change. It jeopardizes our ability to address a continuing threat to our national security and public health by overturning EPA's science-based finding that global warming pollution endangers the public health and welfare. The United States is making progress—in solar, wind and other alternative energy sources—job creators that will sustain our future. We are also making progress in reducing the harmful pollutants in our air which threaten future generations. But this resolution would not continue this progress—it would take us back by weakening the Clean Air Act, a proven tool in addressing air pollution.

But what would taking away EPA's ability to protect the health and welfare of Americans from greenhouse gas pollution mean in our day to day lives? For the people of Maryland, who are particularly vulnerable to the effects of climate change because of the state's expansive coastline, it would mean our coasts would be eroded at an accelerated pace—-many areas losing more than 260 acres a year. It would also mean steadily rising sea levels in Ocean City, which could lose billions of dollars in tourism. And, it would lead to a rise in asthma and lung disease rates, which already disproportionately hits our urban areas, like Baltimore. With these clear threats to our livelihoods, now is not the time to take a major tool out of the toolbox that could help combat the prevalence of greenhouse gases in our daily lives. This is politics as usual in a time where we need solutions.

The resolution being considered today sends the wrong message to the American public, to our businesses and to the world. It sends the message that the U.S. Congress is not taking the threats to our environment seriously. It sends the message to our businesses that it is okay to continue with the status quo. And in a time where we need the innovation, the technology, and the workforce that is committed to transitioning the United States to a

clean energy society, this is not the message that we want to send. The message that we need to send is that we are committed to a national energy policy that protects our families, protects the quality of our air and water, and creates jobs for the 21st century.

The timing of this resolution is also very concerning. In recent weeks, due to the crisis in the gulf, we have seen what our unhealthy addiction to oil can do. This resolution will prevent progress that we have made in breaking this. Without these regulations in place, Americans will use 455 million more barrels of oil, which equals the amount of oil that would be in the gulf if the spill raged on for 65 years. We must break this cycle.

The U.S. Senate must make it clear how we will deal with the reality of climate change. Stripping the authority of the EPA to address the issue is not the way to make progress. Instead it is a serious and counterproductive step backwards. I urge my colleagues to join me in opposing this resolution.

Mr. BUNNING. Mr. President, I rise today to strongly support the senior Senator from Alaska's resolution of disapproval over the Environmental Protection Agency's regulation of greenhouse gas emissions under the Clean Air Act. The EPA has completely overstepped its bounds with this action and I am proud to support Senator MURKOWSKI's effort to undo this harmful regulation.

A colleague of mine, currently serving here in the Senate, once remarked that: ''Overburdensome and unnecessary Federal regulations can choke the life out of small businesses by imposing costly and often ineffectual remedies to problems that may not exist.''

This statement was made by the majority leader and I could not agree more with it, especially when staring such a problem in the face as we have here with EPA's draconian new rules. The majority leader's statement was made in 1996 shortly after passage of the Congressional Review Act. This important tool, designed to rein in out of control Federal bureaucracies, is the same tool that we are using today in this disapproval resolution currently being debated.

Make no mistake—the Congressional Review Act was designed to take on this exact sort of executive overreach. The Obama administration's EPA is making a huge power grab by twisting the principles of the landmark Clean Air Act and declaring greenhouse gas emissions a danger to public health and welfare. Now, I will not use this time today to debate the science of greenhouse gas effects on climate change, nor the effects of climate change on the planet. However, greenhouse gases are found naturally in abundance in our atmosphere. In fact, the most famous greenhouse gas, carbon dioxide, is emitted whenever we exhale. The purpose of the Clean Air Act was to reduce substances toxic to humans, not substances that are not directly harmful to us.

Because the Clean Air Act was not designed for this kind of regulation, the actions EPA has taken will not work and will have a devastating effect on the economy and business in the United States. Carbon dioxide will be considered a ''regulated air pollutant'' under these regulations, thus requiring EPA to massively increase the number of entities it will regulate. In fact, the number of permits for new or modified construction will soar from 280 to 41,000. The additional Title V permits, which are required to begin these operations, will explode from 14,700 to 6.1 million applications. This would seem to me to be a regulatory burden on an agency that cannot possibly be met without a massive infusion of taxpayer dollars.

Thus, we know that an enormous amount of new entities will come under the regulation of the Clean Air Act. Who will be newly roped into this government regulation? Essentially anyone, such as office buildings, apartment complexes, large retail stores, small businesses, farms, hospitals, power plants, and schools. It is difficult to fathom just how massively intrusive this Federal expansion will be.

This action by EPA also represents a rule by fiat of government bureaucrats. The Clean Air Act as written makes no mention of addressing global warming. To change this, the elected representatives of the people, Congress, should be the ones making the decision, not unelected bureaucrats in Washington. When Congress considers legislation, the people who elected them expect that they will consider all the effects of what is being debated. The EPA does not have this consideration, which is obvious by the way they have completely disregarded any and all of the economic consequences of their actions. Congress does, though, and has to weigh the effects of policies upon those that they will be implemented on. Elected officials need to be responsive to legislation such as this that will prevent the strengthening and recovery of the American economy. For instance, Congress can factor in the extremely poor timing of this as our economy is trying to drag itself out of recession. However, proponents of this regulation in the Obama administration know it will not pass Congress, so they are trying to do it by bureaucratic fiat instead of letting the elected representatives of the people work out a reasonable compromise to the problem.

It is for these reasons that I strongly support the Murkowski resolution of disapproval over EPA's actions. I hope the majority leader remembers what he said almost 15 years ago about the burdens of unnecessary regulation and the use of these sorts of resolutions. I hope our other colleagues heed his advice, as I intend to, and vote to support this resolution.

Mr. DODD. Mr. President, I rise today to express my strong opposition to S.J. Res. 26, which would invalidate the EPA's endangerment finding for greenhouse gas emissions issued last December. This disapproval resolution is the absolute wrong approach to energy and climate policy in this country. Not only does it fly in the face of the science currently available on this issue, but it also ties our hands at a critical moment when we should be exploring every option available to us for mitigating the potentially disastrous environmental, economic, and national security-related effects of climate change.

The scientific evidence currently surrounding our planet's changing climate could not be clearer, or the need to address it more urgent. There is broad consensus in the scientific community that most of the rise in global average temperatures since the mid-twentieth century is due to human activity and that this warming trend could have potentially far-reaching consequences for the environment, agriculture, and public health. The EPA's endangerment and cause or contribute findings, which state that greenhouse gas emissions threaten public health and that emissions from new motor vehicles regulated under the Clean Air Act contribute to climate change, unequivocally reflect this longstanding scientific consensus. Indeed, the EPA's conclusions are based on empirical assessments from such highly respected, nonpartisan institutions as the U.S. Global Climate Research Program and the National Research Council.

Nevertheless, in spite of the veritable mountain of evidence demonstrating that we need to immediately begin addressing this challenge, my colleagues on the other side of the aisle have chosen to ignore the available science and bury their heads in the sand by supporting this ill-conceived disapproval resolution. They are, in effect, voting to continue the failed policies of the Bush administration, which for 8 long years ignored sound science, ridiculed good policy, and relegated the U.S. to the back bench in the race to develop and deploy clean, renewable sources of energy.

This is not a path on which we can afford to continue. As the ongoing tragedy in the Gulf of Mexico clearly shows, our Nation's failure to comprehensively address climate change and free our country from its addiction to oil and other fossil fuels poses a serious threat to our economy and the public's well-being. It is now time for the United States to take a leading role in this effort—to reach into the deep well of technical expertise and ingenuity of its citizens—and build a new, clean energy economy that will create new jobs and help rescue the planet from some of the most deleterious impacts of climate change.

Today we are presented with a choice. Do we acknowledge the scientific near-certainty of climate change and the critical role the EPA must play in addressing it? Or do we hamstring our Nation's environmental

experts, gut a national oil savings program, and reject sound science? We must send a strong message to the American people and the rest of the world that the United States is fully committed to robustly confronting climate change and pioneering new, innovative approaches to energy policy that move our country away from its dangerous overreliance on fossil fuels. I urge my colleagues to reject this misguided legislation.

Mr. LEVIN. Mr. President, our Nation is not lacking in complex challenges. But among the most complex and difficult is this: How can we deal with the reality of climate change while also strengthening an economy that has depended for so long on fossil fuels? There is no denying the difficulty of meeting those often conflicting goals. The resolution before us purports to respond to this challenge, but I cannot support the approach that Senator MURKOWSKI offers. Let me explain why.

Senator MURKOWSKI offers a resolution of disapproval of the Environmental Protection Agency's endangerment finding regarding the harmful effects of greenhouse gas emissions. This resolution's impact would be to block EPA from implementing that rule.

First, I believe we all should understand that the subject of this resolution—EPA's endangerment finding—is a product of scientific review of the facts regarding climate change. Current law, and a decision by the U.S. Supreme Court, require EPA to act in the face of these facts. If you believe in the science, as I do, then you must either acknowledge EPA's responsibility to act or seek to change the law that imposes that responsibility.

Second, as a practical matter, I am afraid this resolution, if enacted, would have an effect quite different from its sponsors' stated intent. The argument in favor of the resolution is that EPA regulation of greenhouse gases would unwisely harm our economy. In fact, for my State, passage of this resolution more likely would produce economic harm. That is because it would undo a carefully crafted agreement among the Federal Government, auto manufacturers, environmental groups and others, reached more than a year ago, relating to national greenhouse gas emissions standards for vehicles. This agreement resulted in a single, national standard for such emissions, binding on all States through 2016. The certainty and predictability of a binding national standard is vital for vehicle manufacturers. To help them pursue the path to a clean-energy future, that path must be clearly marked, and not confused by the myriad of different turns they would face if individual states are allowed to set their own standards.

EPA at one point granted California a waiver permitting that State to separately regulate greenhouse gas emissions from mobile sources. California officials have agreed, for 2010 to 2016, to a joint NHTSA–EPA process for regulating carbon emissions from vehicles. If the Murkowski resolution is enacted, California would presumably act to use its waiver, and other States would follow. The economic impact of varying State regulation would harm manufacturers that are the economic backbone of many States and communities across this Nation. Auto manufacturers and auto workers have made clear, in letters to the Congress, their concerns that the result of this resolution's passage would be to upend a clear national standard binding on all States. While the supporters of this resolution may not intend such a consequence, it is surely there, and that is why I cannot support this resolution.

Let me also take this opportunity to point out that my commitment to a single national emissions standard that is binding on all States also leads me to oppose the Kerry-Lieberman climate change bill in its current form. Why? Because carbon dioxide is a global problem. The threat of greenhouse gas emissions is not unique to any State. There is an urgent need for government action to confront the problem of carbon dioxide, but the need is for strong national and international action. To suggest that the need is different from one side of a State line to the other actually undermines the argument that carbon dioxide is a global threat that knows no boundaries.

Just as vehicle manufacturers and workers have made clear their concerns that the Murkowski resolution threatens a single, binding national standard, they have also made clear their concerns about the effects of the Kerry-Lieberman bill as currently written. As the United Auto Workers Union has pointed out in a letter to Senators, that proposal ''fails to provide regulatory predictability for the automotive sector because it does not require continuation of the Obama administration's historic achievement in promulgating one national standard for greenhouse gas emissions and fuel economy for light duty vehicles.'' The UAW is right. The Kerry-Lieberman bill, while hinting that there should be a single national standard, does not commit the Nation to such a standard. In order to gain my support, it must include such a commitment.

So, let no one misunderstand my vote today. I oppose the Murkowski resolution because it will unravel the agreement on a single national carbon standard for mobile sources binding on all States through 2016. I also oppose the Kerry-Lieberman bill as currently drafted because it does not ensure such a standard beyond 2016.

I ask unanimous consent that several letters be printed in the RECORD.

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

ALLIANCE OF
AUTOMOBILE MANUFACTURERS,
Washington, DC, March 17, 2010.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.
Hon. HARRY REID,
Majority Leader, U.S. Senate,
Washington, DC.
Hon. JOHN BOEHNER,
Minority Leader, House of Representatives,
Washington, DC.
Hon. MITCH MCCONNELL,
Minority Leader, U.S. Senate,
Washington, DC.

DEAR SPEAKER PELOSI, LEADER REID, LEADER BOEHNER, AND LEADER MCCONNELL: On behalf of the Alliance of Automobile Manufacturers and its 11 member companies, I am writing to express concern over proposed Resolutions of Disapproval that would overturn the Environmental Protection Agency's Endangerment Finding on greenhouse gas emissions. Automakers agree with the fundamental premise that Congress should determine how best to reduce greenhouse gas emissions. However, if these resolutions are enacted into law, the historic agreement creating the One National Program for regulating vehicle fuel economy and greenhouse gas emissions would collapse.

At this time last year, the auto industry faced the alarming possibility of having to comply with multiple sets of inconsistent fuel economy standards. First, NHTSA was in the process of promulgating new fuel economy standards as required by Congress under the Energy Independence and Security Act of 2007. Second, EPA was preparing to propose greenhouse gas standards under the Clean Air Act, in the wake of the Supreme Court's decision in Massachusetts v. EPA. Finally, California and 13 other states were planning to enforce their own state-specific greenhouse gas standards. (As a practical matter, greenhouse gas standards are the functional equivalent of fuel economy standards, since the amount of greenhouse gases emitted by a vehicle is proportional to the amount of fuel consumed.) These multiple standards would not have been aligned with each other, presenting all automakers with a compliance nightmare across the country. The state-by-state standards were especially problematic for the industry, as manufacturers generally faced the likely prospect of having to implement product restrictions in some states, but not others, in order to comply. Clearly, the industry wanted—then and now—a ''one regulation fits all'' resolution to this problem.

To achieve that result, the Obama Administration brokered a historic agreement in May 2009 to create the One National Program for fuel economy and greenhouse gas standards. Under that agreement, NFITSA and EPA committed to coordinate their rulemaking processes and promulgate a joint regulation establishing consistent fuel economy and greenhouse gas standards for the 2012–2016 model years. California agreed that manufacturers who complied with the federal greenhouse gas rules would be deemed to be in compliance with the state standards for model years 2012–2016. The auto industry agreed to suspend litigation seeking to overturn the state standards, and ultimately to dismiss such litigation once the conditions agreed to by the manufacturers have been met.

In a letter to Senator Rockefeller dated February 22, 2010, Administrator Jackson stated that the disapproval resolutions would have the unintended effect of ''prevent[ing] EPA from issuing its greenhouse gas standard for light-duty vehicles, because the endangerment finding is a legal prerequisite of that standard.'' This, in turn,

would likely result in the disintegration of the One National Program agreement. It is our understanding that California would not abide by the agreement if EPA is unable to regulate greenhouse gases. If the One National Program agreement were dissolved, the manufacturers would be back where they started last May with a NHTSA regulation coupled with a patchwork of states adopting regulations inconsistent with NIITSA's. As we stated in a letter to Senator Feinstein on September 24, 2009, this would present a myriad of problems for the auto industry in terms of product planning, vehicle distribution, adverse economic impacts and, most importantly, adverse consequences for their dealers and customers.

The Alliance believes that the One National Program resolution fostered by the Obama Administration is critical to the efficient regulation of motor vehicle greenhouse gas emissions and related fuel economy in the United States, not only for the 2012–2016 model years, but also for the 2017 model year and beyond. The ongoing existence of a national program for motor vehicle fuel economy and greenhouse gas standards for all future model years should be the shared goal of not only the Administration and the industry, but also Congress and the States, for the benefit of the environment, the public, and the ability of the industry to create and maintain high quality jobs.

It is time for Congress and the Administration to enact and implement measures to make a national program permanent for 2017 and beyond. However, given what appears to be the inevitable consequence of the proposed Resolutions of Disapproval, we do not believe they are the proper vehicles for Members of Congress to express their legitimate concern that Congress, and not EPA or the states, design the national response to climate change. Instead we urge Congress to move quickly to ensure that the national program does not end in 2016, and we stand ready to work with members to develop a federally-led process to achieve a permanent national program.

Thank you for the opportunity to explain the impact of these resolutions on the auto industry. Please feel free to contact me if you have any questions or need additional information.

Sincerely,

DAVE MCCURDY.

INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA,

Washington, DC, June 7, 2010.

DEAR SENATOR: This week the Senate may take up Senator Murkowski's disapproval resolution that would overturn the EPA's endangerment finding on greenhouse gas emissions. The UAW opposes this misguided effort and urges you to vote against this disapproval resolution.

In our judgment, Congress should move forward to enact comprehensive climate change legislation that will reduce greenhouse gas emissions. Although we recognize the difficulties involved in this effort, we believe that legislation can be crafted that will reduce global warming pollution while at the same time creating jobs and providing a boost to our economy. In particular, we believe such legislation can help to provide significant investment in domestic production of advanced technology vehicles and their key components, as well as other energy saving technologies. But such progress would be undermined if a disapproval resolution were to overturn EPA's endangerment finding.

The UAW understands the concerns that have been expressed about EPA attempting to use its authority under the Clean Air Act to regulate greenhouse gas emissions from various industries. However, we believe the best way to address these concerns is for Congress to move forward with comprehensive climate change legislation that properly balances concerns of various regions and sectors, and establishes a new coherent national program to combat climate change.

The UAW also is deeply concerned that overturning EPA's endangerment finding would unravel the historic agreement on one national standard for fuel economy and greenhouse gas emissions for light duty vehicles that was negotiated by the Obama administration last year. As a result of this agreement among all stakeholders, NHTSA and EPA engaged in a joint rulemaking effort that will result in significant reductions in fuel consumption and greenhouse gas emissions by 2016. At the same time, these joint rules retain the structural components that Congress enacted in the 2007 energy legislation, thereby providing important flexibility to full line manufacturers and a backstop for the domestic car fleet. Most importantly, California and other states have agreed to forgo state-level regulation of tailpipe emissions and abide by the new national standard that has been created by these NHTSA and EPA rules. This will avoid the burdens that would have been placed on automakers if they had been forced to comply with a multitude of federal and state standards. The UAW is very pleased that all stakeholders recently agreed to continue efforts to extend this national standard from 2016 to 2025.

However, the critically important progress that has been achieved with these historic agreements will be undermined if EPA's endangerment finding is overturned. Without this finding, EPA may not be able to implement the current rule on light duty vehicles. In the absence of the EPA standard, California and other states could move forward with their standards, thereby subjecting auto manufacturers to all of the burdens that the one national standard was designed to avoid.

For all of these reasons, the UAW opposes Senator Murkowski's disapproval resolution that seeks to overturn EPA's endangerment finding. We urge you to vote against this measure. Thank you for considering our views on this important issue.

Sincerely,

ALAN REUTHER,
Legislative Director.

INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA,

Washington, DC, May 19, 2010.

DEAR SENATOR: Last week Senators Kerry and Lieberman released a discussion draft of far reaching climate change legislation entitled the ''American Power Act.'' The UAW supports the enactment of an economy-wide program to reduce greenhouse gas emissions. However, we were deeply disappointed with the Kerry-Lieberman proposal. In our judgment, the Senate should insist that a number of significant problems in this proposal must be corrected before it moves forward.

First, although the American Power Act contains a program to encourage investment in the domestic production of clean vehicles and their key components, it fails to provide adequate funding for this program. Significantly, the funding (through the allocation of carbon allowances) is lower than the funding that was provided for similar programs in the original Boxer-Kerry bill and the Waxman-Markey bill that passed the House. Thus, the American Power Act represents a step backwards on this important issue.

The UAW believes that substantially higher funding levels are justified, both by the enormous contribution that clean vehicles will be making to the reduction in greenhouse gas emissions, and by the much higher costs associated with these emission reductions compared to costs in other sectors. We also believe that higher funding levels are needed to ensure that the vehicles of the future will be produced in this country by American workers by building on the success of the existing manufacturers' incentive program.

Second, the American Power Act fails to provide regulatory predictability for the automotive sector because it does not require continuation of the Obama administration's historic achievement in promulgating one national standard for greenhouse gas emissions and fuel economy for light duty vehicles. Instead, it would allow auto manufacturers to be subjected to conflicting federal and state standards. The UAW believes that this also represents a step backwards.

Third, the American Power Act fails to provide regulatory predictability for businesses in general because it would allow states to require companies to surrender federal carbon allowances. This represents a back door means of allowing individual states to de facto lower the federal cap on carbon emissions, and to shift the burdens imposed on different regions and sectors under the federal climate change program. In addition to introducing an enormous element of uncertainty, the UAW is deeply concerned that this will lead to economic warfare between the states.

Fourth, the American Power Act fails to protect American businesses and workers from unfair foreign competition because the border adjustment provisions allow for too much discretion, and thus may never be invoked. Furthermore, the border adjustment provisions do not apply to finished products that contain large amounts of energy-intensive materials, such as motor vehicles and their parts, and hence would not provide any protection for the domestic auto industry.

Fifth, the American Power Act does not contain any program to provide assistance to dislocated workers and communities. The transition to a clean-energy economy will inevitably cause some dislocation. In our judgment, a portion of the revenues generated by the climate change program should be earmarked to assure that adequate assistance is made available to workers and communities that are adversely impacted by this transition.

The UAW strongly urges the Senate to insist that the foregoing defects in the American Power Act must be fixed before this legislation moves forward. Thank you for considering our views on these important issues.

Sincerely,

ALAN REUTHER,
Legislative Director.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I thank my colleague. How much time remains on our side?

The PRESIDING OFFICER. There are 14½ minutes remaining.

Mrs. BOXER. Mr. President, I am going to wrap it up in about 10 minutes and then go to the vote.

Before the Senator from New Jersey leaves the floor, if I may have his attention, I thank him so much. He put this whole vote in the exact right perspective. Big oil supports the Murkowski resolution. That is a fact. They have sent a letter saying they support the Murkowski resolution.

Why do you think they support the Murkowski resolution? The reason is,

this resolution would repeal, overturn, do away with the endangerment finding made by the Environmental Protection Agency that says that carbon pollution is a danger to our families, to their health.

Senator LAUTENBERG just said it from the heart. If ever there was a vote to find out whose side you are on, this is it. What could be clearer?

Let's put up a chart. Let's look at some of the public health organizations that are opposing the Murkowski resolution. I will only list a couple of them: The American Academy of Pediatrics—they know that carbon is a danger to our children—the Children's Environmental Health Network; the American Nurses Association; the American Lung Association; the American Public Health Association.

Whose side do you want to be on? We had a letter from 1,800 U.S. scientists, from the Union of Concerned Scientists. Do you want to be on the side of the special interests or do you want to be on the side of the children and the families and the people who gave their whole professional careers to protecting the health of our families?

This is one of those votes. This is what we call a turning-point vote in everyone's career. When we look back at this vote, our grandchildren will want to know: Where was the Senate on this important vote?

We know this resolution is opposed by America's leading public health experts. They do not want us to repeal a health finding. What is next? Somebody else will have a brilliant idea to repeal a scientific finding that nicotine causes cancer. Oh, we can debate that. What is next?

Someone else will say: Lead is no problem in paint. Let's repeal that finding. Think of all the children who would be adversely impacted with brain damage if we did that.

The choice is with Senators: Stand with big oil or stand with the children, the families, the doctors, the public health people. This is a moment in time.

There may not be bipartisan opposition on this floor. I think the vast majority of my Republican friends are going to support Senator MURKOWSKI. But look at the outside world where we are getting support for our side.

EPA Administrators under Nixon, Ford, and Reagan oppose the Murkowski resolution. People forget, the environment used to be an issue that was bipartisan. The EPA—that has been so criticized by my Republican friends—was created by Richard Nixon, was supported by Gerald Ford and Ronald Reagan. What has happened? How did this happen? I think it goes back to politics and special interests and the money that flows in here.

But that is another debate for another time. Today, we have a very simple proposition before us in the Murkowski resolution: Should we repeal the health finding and the scientific finding that is the basis for regulating greenhouse gas emissions?

Ronald Reagan's EPA Administrator, Richard Nixon's EPA Administrator, Ford's—Russell Train, William Ruckelshaus—very strongly opposed. They urge the Senate to reject this and any other legislation that would weaken the Clean Air Act or curtail the authority of the Environmental Protection Agency to implement its provisions.

It is the Environmental Protection Agency—the EPA—not the environmental pollution agency. If somebody wants to turn it into that, they ought to come here and make that proposal. We can debate it.

There is enough pollution in the gulf to teach us a lesson today. How ironic that this is coming before us.

How about jobs? The people on the other side say supporting the Murkowski resolution is supporting jobs. That is false. The U.S. automakers oppose the Murkowski amendment. They say it will lose jobs. If these resolutions are enacted, the historic agreement creating the one national program for regulating vehicle fuel economy would collapse.

We are finally getting the U.S. auto industry on its feet. With the Murkowski resolution, if it became law, that is all over and our auto industry will falter again.

The auto workers also come out against the Murkowski resolution. They are deeply concerned that overturning this endangerment finding would unravel the historic agreement on one national standard for fuel economy and greenhouse gas emissions.

If you haven't been convinced on the jobs question in the auto industry, if you are not convinced on the health argument, let's look at a statement made by 33 U.S. generals and admirals. Climate change is making the world a dangerous place, threatening our security.

I don't have time to read every word, but it says the State Department, the National Intelligence Council, the CIA, all agree and are all planning for future climate-based threats. America's billion-dollar-a-day dependence on oil makes us vulnerable to unstable and unfriendly regimes.

We have a list of the people who signed onto that. I will just read a few, and I ask unanimous consent to have printed in the RECORD this document.

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

CLIMATE CHANGE IS MAKING THE WORLD A MORE DANGEROUS PLACE

It's threatening America's security. The Pentagon and security leaders of both parties consider climate disruption to be a ''threat multiplier''—it exacerbates existing problems by decreasing stability, increasing conflict, and incubating the socioeconomic conditions that foster terrorist recruitment. The State Department, the National Intelligence Council and the CIA all agree, and all are planning for future climate-based threats.

America's billion-dollar-a-day dependence on oil makes us vulnerable to unstable and unfriendly regimes. A substantial amount of that oil money ends up in the hands of terrorists. Consequently, our military is forced to operate in hostile territory, and our troops are attacked by terrorists funded by U.S. oil dollars, while rogue regimes profit off of our dependence. As long as the American public is beholden to global energy prices, we will be at the mercy of these rogue regimes. Taking control of our energy future means preventing future conflicts around the world and protecting Americans here at home.

It is time to secure America with clean energy. We can create millions of jobs in a dean energy economy while mitigating the effects of climate change across the globe. We call on Congress and the administration to enact strong, comprehensive climate and energy legislation to reduce carbon pollution and lead the world in clean energy technology.

Lieutenant General Joseph Ballard, US Army (Ret.); Lieutenant General John Castellaw, USMC (Ret.); Lieutenant General Robert Gard, Jr., Army (Ret.); Lieutenant General Claudia Kennedy, US Army (Ret.); Lieutenant General Don Kerrick, US Army (Ret); Lieutenant General Frank Petersen, USMC (Ret.); Lieutenant General Norman Seip, USAF (Ret.); Vice Admiral Donald Arthur, US Navy (Ret.); Vice Admiral Kevin Green, US Navy (Ret); Vice Admiral Lee Gunn, US Navy (Ret); Major General Roger Blunt, US Army (Ret.); Major General George Buskirk, US Army (Ret); Major General Paul Eaton, US Army (Ret.); Major General Donald Edwards, US Army (Ret); Major General Paul Monroe, US Army (Ret); Major General Tony Taguba, US Army (Ret); Rear Admiral John Hutson, JAGC, US Navy (Ret.); Rear Admiral Stuart Platt US Navy (Ret.); Rear Admiral Alan Steinman, US Coast Guard (Ret.); Brigadier General John Adams, US Army (Ret); Brigadier General Stephen Cheney, USMC (Ret); Brigadier General John Douglass, US Air Force (Ret.); Brigadier General Michael Dunn, US Army (Ret.); Brigadier General Pat Foote, US Army (Ret); Brigadier General Larry Gillespie, US Army (Ret); Brigadier General Keith Kerr, US Army (Ret.); Brigadier General Phil Leventis, USAF (Ret); Brigadier General George Patrick, III, USAF (Ret); Brigadier General Virgil Richard, US Army (Ret); Brigadier General Murray Sagsveen, US Army (Ret.); Brigadier General Ted Vander Els, US Army (Ret); Brigadier General John Watkins, US Army (Ret); Brigadier General Steve Xenakis, US Army (Ret.).

Mrs. BOXER. Mr. President, this is a list of lieutenant generals, vice admirals, major generals, rear admirals, brigadier generals—and all of them real patriots—saying to us: We cannot become more dependent on oil, and as a result of this Murkowski resolution, that is what would happen.

How much more do we want to spend on importing foreign oil? We are up to a billion dollars a day, and it is going to people who don't care for us very much, in case you didn't notice that. We want to get off foreign oil. We want to unleash the capital in our own country. And our own businesses are telling us this—that those dollars would come in if in fact we move forward and enact legislation that makes sense. The Murkowski resolution would simply stop us in our tracks.

More than a thousand businesses have weighed in against the Murkowski resolution—a thousand businesses. The resolution would eliminate

incentives for innovations that could drive a clean energy economy. The Murkowski resolution would send the wrong signal to the American business community. That is signed by an organization representing 850 business leaders. The resolution will jeopardize and hinder progress. That is signed by Business for Innovative Climate and Energy Policy. Then the Silicon Valley Leadership Group, on behalf of 320 member companies, opposes the resolution from Senator MURKOWSKI. The member companies in the leadership group provide nearly 250,000 local jobs or one out of every four private-sector jobs in Silicon Valley.

So whether you are voting on this on the basis of the health of our children, whether you care about the auto companies, whether you care about jobs and the rest of the economy and the ability of this economy to create good jobs or because you feel we need to get off our billion-dollar-a-day habit of importing oil, you have a lot of important issues to think about.

I want to close with looking at something no one wants to look at—no one can bear to look at. If anyone thought that carbon isn't a danger, look at what carbon pollution is doing on the ground in the gulf region—in the water, on the beaches, in the marshlands. Do you think that a pollutant like this, when it goes in the air, causes no problem?

There was a cartoon in today's paper that showed a cap going over the well—which we all hope is going to succeed—and out of that well is escaping some of the carbon pollution. It is going into the air and under it, it says: Now it is no problem.

My colleagues of the Senate, this is a point in time we have to make a decision. We are not experts in public health here. We chose as our career to say that we want to be on the side of the people who send us here. This is the moment. Choose sides: It is big oil and all that comes with it and all the polluters or it is protecting our families.

I urge a no vote to proceed to this resolution, and I ask that the regular order occur on the vote at this time.

I yield back the remainder of my time, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion to proceed to S.J. Res. 26.

The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 47, nays 53, as follows:

[Rollcall Vote No. 184 Leg.]

YEAS—47

Alexander	Chambliss	Enzi
Barrasso	Coburn	Graham
Bayh	Cochran	Grassley
Bennett	Collins	Gregg
Bond	Corker	Hatch
Brown (MA)	Cornyn	Hutchison
Brownback	Crapo	Inhofe
Bunning	DeMint	Isakson
Burr	Ensign	Johanns
Kyl	Murkowski	Shelby
Landrieu	Nelson (NE)	Snowe
LeMieux	Pryor	Thune
Lincoln	Risch	Vitter
Lugar	Roberts	Voinovich
McCain	Rockefeller	Wicker
McConnell	Sessions	

NAYS—53

Akaka	Feinstein	Mikulski
Baucus	Franken	Murray
Begich	Gillibrand	Nelson (FL)
Bennet	Hagan	Reed
Bingaman	Harkin	Reid
Boxer	Inouye	Sanders
Brown (OH)	Johnson	Schumer
Burris	Kaufman	Shaheen
Byrd	Kerry	Specter
Cantwell	Klobuchar	Stabenow
Cardin	Kohl	Tester
Carper	Lautenberg	Udall (CO)
Casey	Leahy	Udall (NM)
Conrad	Levin	Warner
Dodd	Lieberman	Webb
Dorgan	McCaskill	Whitehouse
Durbin	Menendez	Wyden
Feingold	Merkley	

The motion was rejected.

Mrs. BOXER. Madam President, I move to reconsider the vote.

Mr. MENENDEZ. I move to lay that motion upon the table.

The motion to lay upon the table was agreed to.

MORNING BUSINESS

Mrs. BOXER. Madam President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each, and that I be recognized to make some remarks after this very historic vote.

The PRESIDING OFFICER (Mrs. SHAHEEN.) Without objection, it is so ordered.

RESOLUTION OF DISAPPROVAL

Mrs. BOXER. Madam President, I wish to thank my colleagues from the bottom of my heart for this vote. This was, in many ways, a turning point for the Senate, because what was before us was unprecedented, the first time we had ever been asked to repeal a health finding, a scientific finding, a finding that was made by scientists and health officials in the Bush administration and the Obama administration.

That finding, as we know, is the predicate, is the basis for curbing pollution, carbon pollution, that we know is harmful to our families. We see what carbon pollution is doing in the gulf, to the wildlife. We know what it is doing to an entire way of life. We know what it is doing to the fishermen, to the people who rely on recreation for jobs, to the people who rely on tourism.

Tonight we had a choice. We could have decided to stand with the polluters, big oil mostly, who were behind the Murkowski resolution, or we could have decided, which we did, to stand with those who are looking out for our kids, the doctors, the physicians who treat them, the pediatricians, the Lung Association, the public health agencies in all of our States.

We did the right thing, and this was important. It also means we are going to move to alternative energy. We are going to move to the millions of jobs that will come about when we have technologies made in America for America. I want to see the words ''Made in America'' again. So we are on that path right now.

I want to thank the extraordinary leadership of our leaders, Senators REID and DURBIN. They went that extra mile. I want to thank the staff of the Environment and Public Works Committee, headed by Bettina Poirier, extraordinary staff. I want to thank the cloakroom here and all the people here who helped us make sure that every Senator was able to be heard.

Senator MURKOWSKI and I worked very well together debating this in a civil manner. I want to say, as I note Senator LAUTENBERG standing here, I felt the moment this debate came together was when he came to the floor to make a statement, brief though it was. He talked to us not from his notes but from his heart, about what it means to him as a grandparent to watch a grandchild suffer and struggle through asthma, and as he has noted on this floor on more than one occasion, his family making sure that when this child plays in an athletic tournament or goes somewhere, how close is the emergency room.

This is what we are dealing with today, pollution. And today we said: We stand with the physicians, we stand with the scientists, and we are going to move forward toward a clean energy economy and all of the jobs that will come with it, and all of the technologies that will make America a leader in the world.

At this time I yield the floor to my friend Senator DURBIN.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. I ask unanimous consent to speak as in morning business.

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

(The remarks of Mr. DURBIN pertaining to the submission of S. Res. 549 are located in today's RECORD under ''Submission of Concurrent and Senate Resolutions.'')

THE NATIONAL DEBT

Mr. BROWN of Massachusetts. I want to shift gears and kind of get back to business a little bit. Today, I rise to discuss the extension bill we are considering on the floor of the Senate. I will be brief.

As you know, this week our national debt crossed the $13 trillion mark and is on pace to reach almost $20 trillion by the year 2015. That is $20 trillion with a T.

Let's stop for a minute and take note of that amazing number. I know I am the new guy around here, and I will probably be racing you home in a little bit to get back to Massachusetts and New Hampshire, Madam President. But in my short time in Washington, it has been a little unsettling to hear the

words like ''billion'' and ''trillion'' thrown with little regard to the impact these incredible numbers have on our economy, both now and in years to come.

For example, yesterday the Federal Reserve Chairman warned us that the federal budget is on an unsustainable path. In 1987, when the national debt was approaching $1 trillion, then-President Ronald Reagan called it ''out of control.'' One can only imagine what he would be saying today.

Some on the other side of the aisle argued that voting against the debt extenders is about partisan politics and that borrowing another $80 billion from China to pay for these programs is somehow just another drop in the bucket.

I have to respectfully disagree. That could not be further from the truth. When, if not now, when our Nation's debt is growing at a record pace with no end in sight, will we as elected officials start standing up and making the hard decisions we were sent here to make? Today I am saying to my colleagues: Please start to tear down the terrible prison of debt we are building for our children, our grandchildren, and our great-grandchildren. We need to start finding ways to pay for things and stop spending so much, stop treating everything as an emergency to try to get around the pay-go rules put in place before I got here.

If we continue down this path of reckless spending and borrowing, I believe—and others do throughout the country—the consequences are dire. To be blunt, the push for higher taxes and more dependence on government debt threatens American leadership in the world as well as our national and economic security. As we continue to borrow more and more from countries that are not necessarily friendly to us, it leads us down a path similar to what we are seeing with the European model as it is decaying before our very eyes.

Look at Greece right now, where unchecked government spending has threatened the financial stability of the entire European Union. We are at a point where soon our excessive level of debt will start to hinder the economic growth we so desperately need to get the economic engine moving and continue to create jobs and be competitive.

Make no mistake, I believe we should temporarily extend unemployment benefits and other measures such as the summer jobs program and address the critical issue of lack of jobs for American citizens. We can and should provide temporary relief for the neediest among us, but we need to find a way to pay for it without taxing or resorting to borrowing more money. The fact is, we could easily pay for these extensions by cutting unnecessary spending such as the nearly $50 billion of unused, unallocated, or unobligated stimulus funds. Instead we are raising permanent taxes by more than $50 billion extra, including taxes on entrepreneurial businesses and investors, the venture capitalists that hope to be the economic engine and job creators of tomorrow.

The administration and the majority party say these taxes are necessary to help to partially offset this extension, but these taxes are necessary because of our reckless spending habits. During the last 18 months, this administration and the Congress have spent more money than the previous administration spent on Iraq, Afghanistan, and the Katrina recovery combined. It was with straight faces they promised to usher in a new era of fiscal responsibility.

Last year the President and the Congress pushed through an Omnibus appropriations bill that included an 8-percent increase in discretionary spending. This was followed by the infamous, nearly trillion-dollar stimulus bill that has not created one new net job. In fact, the unemployment rate in Massachusetts alone since its passage has increased. The President signed another omnibus spending bill with a 12-percent annual increase and jammed through the trillion-dollar, government-run health care bill that was at great cost and clearly was opposed by the American people.

The problem is on both sides of the aisle. The President has said he would like to go through the Federal budget line by line and identify wasteful programs. By golly, let's do it. Let's do a top-to-bottom review of every Federal program, weed out the waste and fraud and put what is left over to help with these needed programs. In his budget, the President has identified programs to terminate and cuts that would save nearly $25 billion next year. Let's do it. This could help pay for some of these emergency extensions.

Yet year after year, Congress continues to earmark their special pet projects within the budget without any hope for any type of termination of that practice.

In addition, we need to do a top-to-bottom review of all Federal programs, including the military, and we must get aggressive about reining in waste, fraud, and abuse and demand a clawback of some of the billions in overpayments made to Federal contractors that have been owed to us for many years. Let's use that money to help offset the amount we are trying to pay in the extenders bill. Fraud in Medicare and Medicaid costs the taxpayers more than $60 billion annually, and the GAO has investigated numerous programs that are failing to fulfill their missions. Yet more money from Congress is given to them each year, year after year. No respectable business would be run this way, not in Massachusetts, not in New Hampshire, not anywhere.

There is no shortage of ways Washington can rein in its excessive spending habits while also funding these worthwhile programs. But it is going to require elected officials to make hard and even sometimes unpopular choices. If we begin using commonsense steps to get our fiscal house in order, we can absolutely put our country back on a path to fiscal security, get back to fiscal sanity, and get our appetite for spending and borrowing under control. Both are crucial for the fiscal and economic stability of our country.

We can start down the path today by saying no to the extender bill that would add close to $80 billion to our over $13 trillion national debt right now, an amount we cannot afford and something our children, grandchildren, and great-grandchildren will be forced to pay back.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

CALL TO ACTION

Mr. FRANKEN. Madam President, I rise to speak about the BP Deepwater Horizon oilspill and the need for comprehensive energy legislation.

We just defeated a resolution that was an attempt to take our country backward in our energy policy at a time when moving forward could not be more critical. We are in the midst of the worst environmental catastrophe in our Nation's history. This oilspill is a tragedy—a tragedy for our environment; our wildlife, which is dying in a coat of crude; a tragedy for the people of the gulf whose land and livelihood have been destroyed and threatened; and a tragedy for the workers on that oil rig who were killed or injured and their families.

My constituents are furious, and so am I. I have gotten over 5,000 calls and letters from Minnesotans demanding action and accountability for this disaster.

Well, let there be no question: BP, British Petroleum, will be held responsible for all costs incurred as a result of this oilspill. The company had no viable plan in place to deal with a spill of this magnitude. It is an outrage, and the taxpayers must not be left holding the bag for BP's failure.

But some losses can never be recovered. Fragile ocean and coastal ecosystems have suffered irreparable harm, with massive losses of birds and fish and damages to wetlands that provide a critical buffer against gulf hurricanes. Fishermen will have no way to support their families in these tough times. And kids will go to the beach only to find sand and water drowned by oil. Worst of all, we can never replace the 11 workers who lost their lives in this tragedy, nor can we hope to fully compensate the families of the victims

for their losses—losses that were entirely preventable.

While we do not yet know all of the technical details of why this spill occurred, one thing is clear: BP blatantly neglected to invest in safety, and the Federal Government did not do a thing to hold the company accountable.

BP knew about safety concerns on the Deepwater Horizon long before the explosion occurred in April. The New York Times reports that BP knew 11 months ago that there were potential safety problems with the well casing and the blowout preventer. The casing BP installed last summer was never proven to withstand the water pressure of deepwater drilling. Shortly before the explosion in April, the company installed a risky, cheap casing—to save money.

And then there is the blowout preventer, which is supposed to close off the well in the case of a disaster. The blowout preventer was malfunctioning and leaking fluid a month before the explosion, and BP knew this, but BP chose profits over safety.

Where was the Federal Minerals Management Service during all of this? Where was the body charged with regulating safety in the oil industry? This was a dismal failure of Federal oversight, with exemption after exemption granted to BP by an ineffective agency overridden with conflicts of interest. The ineffectiveness of MMS is inexcusable. Just earlier this week, I asked MMS for a list of all of BP's deepwater projects in the gulf—a seemingly simple task. Instead of getting me a list, MMS told my staff they did not know how many deepwater projects BP has in the gulf. This is unconscionable.

BP's poor safety record is not new. OSHA data compiled by the Center for Public Integrity shows that the company accounted for 829 of the 851 willful safety violations industry-wide at oil refineries cited by OSHA in the last 3 years. Those numbers speak for themselves.

It is not that BP could not afford to invest in safety. This recession, which has been devastating to so many families in Minnesota, in New Hampshire, and across the country, has been a lucrative time for BP. The company's first-quarter profits this year amounted to over $6 billion—$6 billion. That is more than double their first-quarter profits from last year. And we found out recently that BP has spent $50 million on advertising to manage its image after the oilspill and plans to pay over $10 billion in dividends to its shareholders this week. I would suggest they hold off on that.

So this is not a company that could not afford to invest in safety. They just chose not to. Let me repeat that. This is not a company that could not afford to invest in safety. They just chose not to. And if they had, those 11 workers would be alive today and their families would have them.

But we cannot only look back. We have to look forward. If there was ever a moment in our history when it has become obvious we cannot drill ourselves to energy independence, it is now. We are not just talking about caring for the environment or worker safety. This spill is a call to action to secure the future of our country. It is time to kick our addiction to oil. We need to face our energy challenge head-on and enact bold, comprehensive energy and climate legislation, and we need to do it now.

We know it can be done. Minnesota is a national leader in renewable energy policies. My State produces 9.4 percent of its electricity from wind power—the second highest in the country. We are well on our way to meeting our State renewable energy standard of 25 percent renewable energy by 2025, and we have passed a law to increase our ethanol blend to 20 percent starting in 2013. Minnesota shows us what is possible as a country.

There are still Members of this body who argue that comprehensive energy and climate legislation can wait, that we can continue with business as usual. Well, that argument simply does not hold. What will it take—what will it take—beyond the biggest oilspill in our country's history to convince skeptics it is time to wean our country off of oil? How many more oilspills will it take?

Today, we face a choice. We can choose not to enact comprehensive legislation that puts a price on carbon and watch as the clean energy jobs and innovation of the 21st century go oversees to China and Japan and India and South Korea and Germany—you name it—because those countries definitely are not waiting to act. China is now the largest manufacturer of wind turbines and solar panels in the world. It is adding 100,000 new clean energy jobs every year. Those are jobs that should be here in America. Our other choice is to spur American innovation and create jobs to build a new economy based on clean energy. I can guarantee you that you are never going to see a 60-day ethanol spill threaten the livelihoods of shrimpers and oystermen and fishermen. And you are never going to see a wind turbine blow up and pollute the ocean and threaten all manner of wildlife and the coastline of America or kill 11 men. So the choice is obvious to me, and it is obvious to the rest of the world too.

Earlier this week, I was in a meeting, and I heard a story about German Chancellor Angela Merkel. When someone asked the Chancellor about encouraging U.S. companies to support a price on carbon, she said: No, I don't want to do that; I don't want to wake the sleeping economic giant that is the United States. She and the rest of the world know that if we do not put a price on greenhouse gas emissions, America stands to lose. We stand to lose our jobs to other countries, and we stand to lose the essence of what has made America great all throughout history—our ability to innovate, to create, to solve the world's problems through new technologies that make the world a better place to live. Well, we just cannot let that happen.

It is not going to be easy to transition away from oil. But running away from challenges has never been the American way. The American way is to face our problems and to innovate ourselves out of them. That is what has made us the global economic leader.

So now is our time to lead again. If we do not act on comprehensive energy and climate legislation, even after this catastrophe in the gulf, our children and our grandchildren are going to look back on this and on us with complete bewilderment: What were they waiting for? That is what they are going to ask. What were you waiting for?

This moment and this oilspill remind me of the fable of the man stuck on the roof during a flood. Someone comes up to him with a ladder, as the waters rise, but he waves them away, saying: No, no, no, go save others. I know God will save me.

The water gets higher, and a man in a rescue boat comes along to help him.

He said: No. Fine. Fine. God will save me.

Then a helicopter comes, and the man yells up: No, no, leave me. God will save me.

Finally, the waters rise to the roof and the man drowns, and in heaven, he asks God: Why didn't you save me?

And God says: What do you mean? I sent you a ladder, a boat, and a helicopter. What else does it take?

Right now, the United States is the man on the roof, waiting, as our energy problems get worse and opportunities pass us by one by one. Well, I am not willing to let that happen. In the coming months, we in this great body are going to have to work together, make compromises, and craft a long-term energy and climate policy that serves our country for the betterment of future generations. I want to be able to look my grandchildren in the eye, I want to be able to look my great-grandchildren in the eye, too, and tell them that we did everything we could to leave this world a better place than the one we were born into. The stakes are too high not to act, and not to act now. So let's work to craft a comprehensive energy policy.

Madam President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DURBIN. Mr. President, I ask unanimous consent to speak as in morning business.

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

SWIPE FEES

Mr. DURBIN. Mr. President, 2 weeks ago, we considered the Wall Street reform bill, and the occupant of the chair was a key player in the activities of the Banking Committee that led up to the floor consideration.

I offered an amendment during the course of that debate on the Wall Street reform bill. I knew that the basic reason for Wall Street reform was twofold: holding big banks accountable for how they operate and empowering consumers to make good financial choices.

The bill Senator DODD and the committee brought to the floor was a strong one. In the process of taking up and voting on amendments, in many ways the Senate made the bill even stronger. Now a conference with the House is underway, and I look forward to seeing the best Wall Street reform bill possible signed into law by President Obama.

During the course of that debate, I offered an amendment to the bill that attracted a lot of attention—more than I anticipated. My amendment sought to give small businesses and merchants and their customers across America a real chance in the fight against the outrageously high swipe fees charged by Visa and MasterCard credit card companies.

Nearly $50 billion in credit and debit card interchange fees are collected each year, and this interchange system is entirely unregulated.

To explain the process, if I go to my favorite restaurant in Chicago tomorrow night with my wife and receive my bill and hand over my credit card to that restaurant—and let's say the bill is for $100—the credit card company will honor the bill, pay it to the restaurant, but then charge the restaurant as much as 3 percent of the bill for the use of my credit card, and that is known as a swipe or interchange fee.

You might say, well, doesn't the restaurant negotiate with the credit card company about whether it is 3 percent, 2 percent, or 1 percent? The answer is no. Those fees are dictated by the credit card companies. Merchants and businesses have little power in even challenging, let alone changing, the so-called interchange and swipe fees.

Other than my credit card, I could present something known as a debit card, which more and more people use every day. A debit card, instead of allowing the Visa company to pay my bill, and then I pay them, actually would deduct the money from my checking account, so the money moves directly from my bank through to the bank of the restaurant to pay the bill.

In that situation, the credit card company is not on the hook very much because the money is moved directly from the checking account to the account of the restaurant. It is not a question of whether I pay my monthly bill or whether I pay the interest on that bill; there is very little risk associated with the so-called debit card.

Yet what we are finding is that the credit card companies are charging the same fees for debit cards they are charging for credit cards. Merchants and businesses across America say there is not as much risk associated with them, so why are they charging more? That is the basic mechanism that I approached with my amendment, which was adopted on the floor with 64 Senators voting in favor.

Visa and MasterCard dominate the credit and debit card industry in America. They establish the interchange rates that all merchants—and by extension, their customers—pay to banks whenever a card is swiped or used. There is no one watching out in the process for businesses and consumers. There is no agency of government with the authority to ensure that these fees charged by the credit card companies are reasonable. Visa and MasterCard just set the fees as they see fit and tell the merchants to take it or leave it. But how easy would it be to run a restaurant or major business in America today if you didn't accept credit and debit cards?

Visa and MasterCard envision an American economy where ultimately all sales are conducted electronically across their networks, where they and the card-issuing banks receive a cut of every sale and transaction in America.

It is no surprise they want as big a cut as possible. They want to maximize their profits. Right now, they have the market power to make that happen. They can raise their fees whenever they want.

Who ends up paying the highest interchange fees charged by these credit card companies such as Visa and MasterCard? Small businesses. Many of them are literally driven out of business by these high fees they cannot control and cannot negotiate. They don't have the market power to do it. Those who stay in business have to raise the prices on customers to pay the fees.

My amendment requires debit card fees to be reasonable, and it cleans up some of the worst abuses by Visa and MasterCard.

Yesterday, we had a hearing in the Senate Judiciary Committee and present was an Under Secretary in the Department of Justice, Christine Varney. She is in charge of the antitrust section. I asked her whether the recent reports that had been published in many newspapers across America that the major credit card companies are being investigated by the antitrust division were true. She said she could not comment on the case other than to say they have verified the fact that an antitrust investigation is underway against Visa and MasterCard.

I applaud that. I understand why she could not go into detail. I applaud that investigation. These major credit card companies have become so big and powerful and coordinate their activities so much that I think such an investigation is long overdue.

My amendment requires that debit card fees be reasonable, and it cleans up some of the worst abuses. The amendment was adopted with 64 Senators voting in favor, including 17 Republicans. It was a major victory for small business and merchants and consumers across America. It will help small businesses grow and create jobs, which we definitely need in this economy, and it will put us back on sound economic footing. It will help American families, each of whom pays an estimated $427 a year, to subsidize this $50 billion interchange fee system for Visa and MasterCard.

I thank each of my colleagues who joined me in that vote, including the Presiding Officer.

I know my amendment has earned me the wrath of Wall Street, the wrath of the big banks, and the wrath of Visa and MasterCard. Even before the last votes were counted on my amendment, Visa and MasterCard and lobbyists for the big banks were already plotting a way to kill this amendment. Financial industry lobbyists are swarming the Halls of Congress as we speak. You can hear the stampede of the Gucci loafers around every corner. They are arguing that reducing debit card interchange fees to a reasonable level, as my amendment would require, is unacceptable. In their view, there is absolutely nothing wrong with charging unreasonably high fees in a business where there is virtually no competition.

I urge my colleagues to consider the enormous benefits of the amendment that was adopted. Our language will help every single Main Street business that accepts debit cards keep more of their money, which is a savings they can pass on to their consumers. Every grocery store, convenience store, flower shop, and every restaurant will be able to reduce the fees they paid to the big banks for debit card transactions.

This is a real boost for that industry and, believe me, they know it. They are fighting hard to convince Members of the House now that what we did in the Senate is the right thing for small business across America. It has led the Merchants Payments Coalition, this group that came together in support of my amendment—2.7 million merchants, representing 50 million American employees—to endorse this bill—the overall bill—and to work for its passage because of this amendment.

It is not just businesses that benefit from the amendment. Charities will benefit. Think about that. Charities that accept donations by debit cards will see a savings. Universities will save money on card fees, and so will public agencies, such as your local motor vehicle commission in your home State, public transit agencies, and even the U.S. Postal Service.

Also, under my amendment fewer taxpayer dollars will be spent by local, State, and Federal Government agencies for the payment of these interchange fees.

I am going to hold a hearing next week in my appropriations subcommittee about the amount of money paid by American taxpayers each year to Visa and MasterCard for interchange fees. It is an enormous amount of money. It is an amount that I think is unwarranted because, basically, the Federal Government is going to pay these bills. No question about it. Yet some of the interchange fees charged to our government are much higher than the fees charged to businesses.

Last year, the city of Chicago paid $7.5 million in interchange fees. The Illinois Tollway authority paid $11.6 million in interchange fees. Our cities' transit agencies and units of government could put this money to better use than paying Visa and MasterCard.

Next week, this hearing will bring out the amount of money paid by the Federal Government. Consumers will benefit from the amendment as well. Debit interchange fee reductions will lead to lower consumer prices at grocery stores, convenience stores, and other retailers that, unlike Visa and MasterCard, have to vigorously compete with one another on price. They will have an incentive to pass the savings on to their consumers.

My amendment explicitly allows merchants to provide discounts when a customer pays by cash, check, or debit, instead of credit.

I told a story on the Senate floor before, and I think it illustrates perfectly what we are up against. When you go to the airport to leave town, there are places where you can buy magazines, newspapers, chewing gum, and the like. I was standing in line at a register while somebody in front of me took a package of chewing gum, put it on the counter, and handed over a credit card.

I noticed as she rang up the $1.50—whatever it was—and started running the credit card through that the cashier was doing this routinely. I asked her afterward, when I was next up: Is that the lowest amount anyone put on a credit card while you have worked here?

She said: No. Thirty-five cents is the lowest amount.

I guarantee that merchant lost business, probably on the $1.50, certainly on the 35 cents, because they have to pay the credit card company regardless of the amount of the purchase, and the credit card company forbids, prohibits the merchant, the business from saying: You can't use a credit card for something, for example, that is under $5. They cannot do it.

What we are trying to do is create some sense where we do not penalize merchants and small businesses. I know Visa and MasterCard are throwing a lot of money into their campaign against my amendment. It is one of the most fiercely lobbied provisions I have seen since I have served in the Congress. I have heard their arguments, and they just do not hold water.

They argue that there have been no hearings in Congress on the issue of interchange fees prior to my amendment. Actually, in the last 5 years, there have been six congressional hearings specifically on interchange fees, plus two reports from the General Accountability Office.

The second myth they have been pushing is that my amendment will hurt small banks and credit unions. Mr. President, we discussed this after the amendment passed, when you were on the floor. As a result of my amendment, which I changed at the last moment, it says that any institution issuing a credit card with less than $10 billion in assets is not covered by the provisions of my amendment—$10 billion. That means that out of 8,000 credit unions across America, exactly 3 would be governed by my amendment. Yet the credit union industry and all of their representatives are roaming all over Capitol Hill saying: This is going to kill us. In fact, they are specifically exempted from this amendment.

When it comes to banks, the $10 billion asset threshold would mean that out of about 8,000 banks in America, only about 90 will end up being covered by this amendment.

You say to yourself: DURBIN, why did you go through all this trouble for 90 banks and 3 credit unions? It turns out that these 90 banks and 3 credit unions do 65 percent of the credit card business in America. The big boys are the ones who will be touched by this amendment, as they should be.

I heard this line from the Independent Community Bankers of America and the Credit Union National Association, that they are the ones who are going to be hurt. Three credit unions, 80 banks, or 90 at the most, will be affected by it.

I just sent a letter to these organizations telling them what I have been telling small banks and credit unions in my home State of Illinois—that my amendment will not disadvantage them. In fact, we went to great lengths to protect them. We exempt 99 percent of the banks and 99 percent of the credit unions.

Visa and MasterCard cannot come here and lobby and expect anybody to believe them because we know what credit card companies do to you. They do not have a lot of friends on Capitol Hill. The big banks, the ones that issue the credit cards, cannot come around either, basically because the Wall Street reform bill was focused on these banks and some of their nefarious activities, at least questionable activities. Whom do they have fronting for their arguments? The little credit unions that come in and say this is going to be terrible. What they do not tell Members of Congress is that the Durbin amendment specifically exempts them from any coverage of this amendment.

My amendment does not allow merchants to discriminate against cards issued by small banks or credit unions. That is another argument they make: If the Durbin amendment goes through, a lot of businesses and restaurants will not take the credit cards issued by the small institutions. There are specific provisions now that prohibit discrimination against the issuer of the credit card. Those are not changed by the Durbin amendment.

Credit unions fear the card networks will reduce their fees if this provision is enacted. Imagine—think this through. Since the Durbin amendment will not change the fees small banks issuing credit cards will receive, they are afraid that out of spite Visa and MasterCard will unilaterally cut their fees. I have news for them: Visa and MasterCard can do that today even without the Durbin amendment. They have the power to dictate these interchange fees to small banks and credit unions alike. That is what is fundamentally unfair, and that is the situation facing merchants and businesses across America today.

I hear small banks say that even though the Durbin amendment reduces the interchange fee rates, Visa and MasterCard are threatening that if the amendment becomes law, they are going to go ahead and reduce the rates they set for small banks. That is certainly in their power today, but it is certainly against the economic interests of Visa and MasterCard.

Small banks have to understand—credit unions as well—that Visa and MasterCard want more credit cards out there, more people using them. Discouraging the use of credit cards is certainly not in their business model. Visa and MasterCard only get paid if the card is actually swiped or the interchange fee is charged. They would lose that revenue if they cut small bank interchange fees so much so that the banks would stop issuing credit cards.

The only reason Visa and MasterCard might decide to reduce small bank debit interchange rates is if the big banks told Visa and MasterCard not to let the small banks get more interchange revenue than they do. Big banks hate the thought of small banks getting higher interchange rates because the small banks could use that money to eat into the big banks' share of the debit card issuer market.

Many have long suspected that Visa and MasterCard operate primarily to serve the big banks. We are certainly going to find out.

I say to those who have come to lobby me for over 25 years from the credit union industry, I am really troubled by the pattern of conduct I have seen on this legislation. I saw it before when we were dealing with the issues of bankruptcy and foreclosure, when we specifically exempted the credit unions, and yet they refused to break from the biggest bankers—the American Bankers Association—in their position on this issue. We are seeing it again today. We specifically exempt all but three credit unions, and the credit unions are doing the bidding of the big banks and the credit card companies.

I think of the origin of credit unions, which came to be when people across

America decided they wanted to have a fighting chance against banks, that they would come together, pool their savings, and loan to one another with reasonable interest rates. We rewarded this credit union model by saying we would not consider them for-profit banks. We would exempt them from certain Federal taxation because they were different—different in their goals, different in their principles, different in their business models.

But the more I watch them on issue after issue, there is not a dime's worth of difference between the big banks and the credit unions when it comes down to the really tough issues. As soon as the big banks snap, the Credit Union Association jumps. That is what is going on here. It is unfair to those who honor the credit union movement and what it stands for, and it is unfair that their leaders do not have at least the vision to understand that this kind of approach is at the long-term expense of the reputation of a fine association which has served so many millions of Americans, including my family, for a generation.

The banks also argue that because my amendment requires debit fees to be reasonable and proportional to the cost of processing a transaction, they will not be able to cover the possible risk of fraud. That is a pretty bold argument for them to make.

Visa, MasterCard, and the banks for years have been urging consumers to use payment methods that run higher fraud rates. On April 21, an article ran in the American Banker entitled ''Counterintuitive Pitch for Higher-Fee Debit Category.'' The article discusses how JPMorgan Chase, one of the Nation's largest debit card issuers, has urged all its customers to sign for its debit transactions rather than enter a PIN number. As the article points out, entering a PIN number greatly reduces the risk of fraud. The reason JPMorgan Chase urged its cardholders to use signature debit cards is the interchange fees for signature cards are higher. They make more money when you sign than when you use a PIN number. They are willing to absorb the possibility of fraud in a signature rather than in a PIN number, which is more secure. The banks do not appear to be nearly as concerned about lower fraud as they are about higher fees.

Visa, MasterCard, and the banks have also been blocking the introduction of fraud-proof card technology in the United States, again because they want to keep interchange rates high. For example, many countries have chip and PIN cards where a card has a microchip that can only be activated by the use of a PIN number. The banks and card companies in this country have stifled that technology.

When debit fraud does happen today, the big banks usually try to charge back the fraud loss to the merchants on the grounds that the merchants somehow violated Visa's and MasterCard's operating rules.

As long as big banks are guaranteed the same interchange revenue no matter how much or how little fraud they have, the banks have no incentive to keep fraud costs low. My amendment will give big banks a real incentive to reduce fraud.

Finally, I hear the banks argue that by reducing debit interchange fees, my amendment would force the banks and card companies to raise fees on customers. I try not to laugh when I hear this one because when were the banks and card companies not raising fees on their customers? Didn't we just see them fall all over themselves to gouge cardholders before last year's Credit CARD Act took effect? I cannot tell you how many letters I received in the mail during the grace period before the law went into effect announcing higher interest rates on the credit cards my family uses. It is not as if banks and card companies were reducing fees to cardholders as interchange rates were being hiked over the last few years. Rather, they ratcheted up fees on both the cardholder side and on the merchant side. They try to take advantage of both sides whenever they can.

We need to ensure that this system works fairly both for consumers and for small businesses. And last year's Credit CARD Act and my amendment will work together to do so.

In conclusion, I call on my colleagues to stand up for the merchants and small businesses across America, to push this amendment across the finish line in the conference committee on Wall Street reform. This amendment represents one of the biggest wins for small businesses and consumers in years. It will help small businesses grow and create more jobs. Do not let the Wall Street lobbyists and the friends of the credit unions who are working for them fool you. This is all about big bank profits. Do not let them kill this amendment. Do not let them bring down this broad, bipartisan effort to give small businesses a fighting chance against Visa and MasterCard.

Mr. President, I yield the floor. I see my colleague from North Dakota is with us.

The PRESIDING OFFICER. The Senator from North Dakota.

BP'S RESPONSIBILITY

Mr. DORGAN. Mr. President, I come to the floor to speak about the START treaty briefly. Before I do, let me mention, as I have previously, that I have been sending messages to the Justice Department and others. I was pleased with the Attorney General's comments today about the oilspill in the gulf, the gusher of oil that continues in the gulf, and about BP's responsibility.

There is no question that BP has said they pledged to cover legitimate costs as a result of this oilspill. The question I have is, Is that a binding agreement? And the answer from the Justice Department at a hearing recently was, no, it is not binding. If that is the case, if it is not binding—and I believe it is not—we need to move to take steps to make that pledge binding.

There are people today who are trying to figure out how on Earth do they get through this situation. In addition to oil spilling out into the gulf—and it has been doing that I think for 52, 53 days—there are people on a dock in a small town somewhere who are fisher men and women. They have a boat and they fish for a living. But their boat is idle at the end of the dock because they cannot fish. Yet they have to make a payment on that boat at the end of the month. Up and down the gulf, there are significant consequences of this situation. The question is, Who is going to reach out to help those folks? They did not cause these problems.

I think it is important for BP to be asked to put a significant amount of money into a fund, a recovery fund of sorts, and that fund be handled by a special master and perhaps by a counselor from BP.

In any event, it is important to turn this from a pledge into a binding commitment and to do so soon so that money begins flowing to those who are substantially disadvantaged by what has happened and this disaster that has occurred in the Gulf of Mexico.

START TREATY

Mr. DORGAN. Mr. President, let me speak for a moment with respect to the New START treaty. Strategic arms reductions are very important. We do not think about them very much. We deal with big issues and small issues in the Senate. Sometimes the small issues get much more attention than the big issues. But one is coming for sure to the floor of the Senate that is a very big issue; that is, the Strategic Arms Reduction Treaty that was negotiated with the Russians. This is really a big issue and very important. I want to describe why and describe why I feel so strongly about it. I have spoken on the floor previously about this, but I want to do it again, describing a Time magazine article from March 11, 2002. The March 11, 2002, Time magazine article referred back to 2001, right after 9/11—It said this:

> For a few harrowing weeks last fall, a group of U.S. officials believed that the worst nightmare of their lives—something even more horrific than 9/11—was about to come true. In October, an intelligence alert went out to a small number of government agencies, including the Energy Department's top-secret Nuclear Emergency Research Team, based in Nevada. The report said that terrorists were thought to have obtained a 10-kiloton nuclear weapon from the Russian arsenal and planned to smuggle it into New York City. ''It was brutal,'' a U.S. official told Time. It was also highly classified and closely guarded. Under the aegis of the Whitehouse's Counterterrorism Security Group . . . the suspected nuke was kept secret so as not to panic the people of New York. Senior FBI officials were not in the loop.

Some while later, Graham Allison, who is an expert on nuclear proliferation wrote about this incident in a book titled ''Nuclear Terrorism: The Ultimate Preventable Catastrophe.'' In his book, he points out:

One month to the day after the attacks of 9/11, a CIA agent codenamed Dragonfire reported that al-Qaida terrorists had stolen a ten kiloton Russian nuclear bomb from the Russian arsenal and may have smuggled it into New York City. Vice President Cheney moved to a secret mountain facility along with several hundred government employees. They were the core of an alternative government that would operate if Washington, DC were destroyed. President Bush dispatched Nuclear Emergency Support Teams to New York to search for the suspected nuclear weapon. To not cause panic, no one in New York City was informed of the threat, not even Mayor Giuliani. After a few weeks, the intelligence community determined that Dragonfire's report was a false alarm.

But as they did the postmortem on this, they understood that no one claimed it could have been impossible that a nuclear weapon could have been stolen from the Russian arsenal. No one claimed it would have been impossible—having stolen a Russian nuclear weapon—to smuggle it into New York City or a major American city. No one claimed it would have been impossible for a terrorist group—who wanted to kill several hundred thousand people with a nuclear weapon—to have been able to detonate that nuclear weapon.

Now, as I indicated, I describe that as it was described in Time magazine in 2002, and as it was written about in the book by Graham Allison, a former Clinton administration official, in his book titled, ''Nuclear Terrorism: The Ultimate Preventable Catastrophe.'' I describe that and the apoplectic seizure that existed in parts of the U.S. government when it was thought that 1 month after 9/11 al-Qaida had stolen a nuclear weapon and was prepared to detonate it in an American city. And on that day, we wouldn't have had 3,000-plus Americans murdered, we would have had hundreds of thousands of Americans losing their lives. Yet that was about one nuclear weapon—one, just one. The loss of one nuclear weapon.

Now, it turns out it Dragonfire's report wasn't true. The FBI agent codenamed Dragonfire heard it, passed it along, but it turned out it was not accurate. But that was just one nuclear weapon. There are about 25,000 nuclear weapons on this planet. This chart shows the Union of Concerned Scientists' estimate for 2010 estimate that Russia has 15,100 nuclear weapons, the United States has 9,400, China about 240, France 300, Britain 200, and Israel, India, Pakistan, and North Korea each have some. So 25,000 nuclear weapons, and I have described the terror of having just one end up in the hands of a terrorist group. If it ever happens—when it ever happens, God forbid—and hundreds of thousands of people are killed, life on this planet will be changed forever.

Now, Mr. President, we have a lot of nuclear weapons on this planet of ours, and we understand the consequences of their use. These pictures from August of 1945 show the consequences of the dropping of two nuclear weapons—one in Hiroshima and one in Nagasaki. Those pictures are, all these years later, still very hard to look at. That is the consequence of two nuclear weapons.

I was recently in Russia visiting a site that we fund in the Congress under the Nunn-Lugar program. I want to show some photographs about what we have been doing to try to back away from the nuclear threat, to try to see if we can reduce the number of nuclear weapons and the number of delivery vehicles to deliver those nuclear weapons.

This is a photograph of the dismantlement of a Blackjack bomber. This Blackjack bomber was a Russian bomber—a Soviet Union bomber prior to Russia—that would carry a nuclear weapon that would potentially be dropped on the United States, then an adversary during the Cold War. You can see that we dismantled that Russian Blackjack bomber, and this is a piece of a wing strut.

I ask unanimous consent to show a couple of samples.

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

Mr. DORGAN. This is a piece of a wing strut of a Russian bomber. We didn't shoot it down. We cut the wing off. I happen to have a piece of it. This was happening because our colleagues, Senators NUNN and LUGAR, put together a program by which we actually paid for the dismantlement of Russian bombers.

I also have copper wiring from the ground-up copper of the electrical wires of a Russian submarine. We didn't sink that submarine. We paid money to have that submarine destroyed, as part of our agreement with Russia to reduce that country's nuclear weapons.

This is a hinge from a silo in the Ukraine that previously housed a missile with warheads aimed at the United States. There is now planted on that ground sunflowers, not missiles, because we paid the cost of reducing delivery vehicles and reducing nuclear weapons in the stockpile of the former Soviet Union.

This is a program that works—a program that is unbelievably important. And as I and some others viewed these programs in Russia, we understood again the importance of what we have been doing under the Nunn-Lugar program: The Ukraine, Kazakhstan, and Belarus are now nuclear weapons free. That didn't used to be the case. There are no nuclear weapons in those three countries. Albania is chemical weapons free. We have deactivated, under the Nunn-Lugar program, 7,500 former Soviet nuclear warheads. And the numbers of weapons of mass destruction that have been eliminated, and their delivery vehicles, are 32 ballistic missile submarines—gone, eliminated; 1,419 long-range nuclear missiles; 906 nuclear air-to-surface missiles, and 155 nuclear bombers. All of this has been done under a program that very few people know about—the Nunn-Lugar program. It works. It is a great program.

But, as I have indicated, there are still thousands and thousands and thousands—it is estimated this year 25,000—of nuclear weapons on this planet. So what do we do about that? This administration engaged with the Russians for a new treaty because the old START treaty had expired. This new treaty—the New Strategic Arms Reduction Treaty—was negotiated over a lengthy period of time. It required a lot of patience, a great deal of effort, but this administration stuck with it. They negotiated, completed, and signed this treaty.

The President of Russia and our President met in Prague, the Czech Republic, and signed this treaty. Now it needs to be ratified by the Senate.

I want to talk just a bit about the need to do that. I think all of us understand the urgency. There are some who feel strongly that perhaps we should begin the testing of nuclear weapons. I don't support that. I don't think we should. I think we need to be world leaders on these issues. We have stopped nuclear testing. Others have stopped nuclear testing as well, and we ought to continue that posture.

There are some who feel we should begin building new nuclear weapons. I don't believe we should. That doesn't make any sense. That is the wrong signal for us to send to the world.

There are some who believe that we need to make additional investments in the area of life extension programs and investments in making certain that the nuclear weapons that do exist in the stockpile are weapons in which we have the required confidence that those weapons are available, if needed. The President has asked that funding to do that be made available.

I chair the subcommittee that funds those programs, and I believe we will make available what the President requests. It is reasonable, it seems to me, to not only proceed—hopefully, on a bipartisan basis—to address something as important as the START treaty, but at the same time make sure that the programs that we have always had—the life extension programs and the programs that make sure that we have sufficient confidence in the weapons that exist—are funded appropriately. That is what the President has recommended in the budget that he has sent to the Congress.

It just seems to me there is so much to commend to this Congress the need to ratify an arms control treaty here. Mr. Linton Brooks, the NNSA Administrator under George W. Bush, said this, talking about the newly negotiated treaty and the President's budget request:

START, as I now understand it, is a good idea on its own merits, but I think for those

who think it's only a good idea if you have a strong weapons program, I think this budget ought to take care of that. Coupled with the out-year projections, it takes care of the concerns about the complex and it does very good things about the stockpile and it should keep the labs healthy.

I don't quote Henry Kissinger very often, but Henry Kissinger says it pretty well when he says:

It should be noted I come from the hawkish side of this debate, so I'm not here advocating these measures in the abstract. I try to build them into my perception of the national interest. I recommend ratification of this treaty.

Henry Kissinger says he recommends ratification of this treaty. And, finally, the Chairman of the Joint Chiefs of Staff, Admiral Mullen:

I, the Vice Chairman, and the Joint Chiefs, as well as our combatant commanders around the world, stand solidly behind this new treaty, having had the opportunity to provide our counsel, to make our recommendations, and to help shape the final agreements.

It is not just us, but it is our children and their children that have a lot at stake with respect to reducing the number of nuclear weapons, reducing the delivery vehicles. It is the case that the amount of plutonium that will fit in a soda can, the amount of highly enriched uranium the size of a couple of grapefruits will produce a nuclear weapon that will have devastating consequences. So one of our obligations is to try to make sure nuclear material—the material with which those who wish to make nuclear weapons can make those weapons—stays out of the hands of terrorists. That is one of our jobs. We are working very hard on that. We have programs that work on that constantly.

Second is to stop the proliferation of nuclear weapons. I described the countries that we know have nuclear weapons. Now we have to stop the proliferation and stop other countries from getting nuclear weapons. That is our responsibility. We have to be a world leader to do that.

As I said, if, God forbid, somehow in the future—5 years, 10 years, or 20 years from now—a nuclear weapon is exploded in a major city, and hundreds of thousands are killed, life on this planet is not going to be the same. That is why it seems to me that a very important start—and this is just a start, not a finish—is to take this treaty that has been negotiated, bring it to the floor of the Senate, and have this discussion. I would expect there will be Republicans and Democrats who will come down on the same side of this issue—that it is a better world, a safer world when we meet our responsibility to lead on the issues of nonproliferation, when we meet our responsibilities to lead on the matter of reducing nuclear weapons and reducing delivery vehicles.

That is what this New START treaty does. It does it in a very responsible way. So my hope will be that in the coming 2 months or so that we will have a robust discussion of the START treaty and have the celebration of having had the debate and had the vote and then exclaiming to the world that this was a success—that this treaty was a success. Yes, a first step but a success.

Beyond this treaty, there will be other negotiations that will take us to other areas in reductions. I think, as a result, if we do what we should be expected to do, this can be a safer world.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

RECOGNIZING THE DAILY SPARKS TRIBUNE

Mr. REID. Mr. President, I rise today to extend my warmest congratulation to the Daily Sparks Tribune of Sparks, NV, on their historic milestone.

The Daily Sparks Tribune is celebrated throughout Nevada for its first-class journalism, which continues this week for the 100th consecutive year.

The Tribune has been in circulation since 1910, representing news of both Sparks, NV, and the greater State. In 1901, Senator Thomas A Kearns bought the newspaper, along with three other regional papers. The newspaper now circulates to over 5,000 businesses and homes in Nevada.

The Nevada Press Association has honored the work of the Daily Sparks Tribune on many occasions for their outstanding investigatory, editorial, journalistic, photographic, and philanthropic accomplishments. In 2009 alone, the newspaper received 17 awards in the annual Nevada Press Association awards.

Not only has the Daily Sparks Tribune provided Nevadans with a spectacular news source, but it has also become a central part of our community.

I join with Nevadans throughout the Silver State to honor the Daily Sparks Tribune for its 100 years of circulation. It is one of Nevada's oldest community newspapers, and we wish it many more decades of success and readership.

HONORING OUR ARMED FORCES

MAJOR RONALD W. CULVER, JR.

Mrs. LINCOLN. Mr. President, today I honor MAJ Ronald W. Culver, Jr., 44, of El Dorado. Major Culver was killed May 24 in Numaniyah, Iraq, in support of Operation Iraqi Freedom. According to initial reports, Major Culver died of injuries sustained when an improvised explosive device detonated near his vehicle. Major Culver was assigned to the 2nd Squadron, 108th Calvary, Army National Guard, Shreveport, LA.

My heart goes out to the family of Major Culver, who made the ultimate sacrifice on behalf of our Nation. Major Culver's wife and children reside in El Dorado. His mother and father live in Shreveport, LA.

As a member of the Louisiana National Guard, Major Culver served three tours of duty in Iraq. During his military career, he was awarded numerous service medals and was posthumously awarded two Bronze Stars and a Purple Heart, as well as a Combat Action Badge from the State of Louisiana.

Culver was an active member of the El Dorado community, serving in various capacities with Boy Scouts, Campfire Girls, Union County 4–H Foundation board, Saddle Club, Main Street El Dorado, and the John C. Carroll VFW Post 2413, where he was the post commander at the time of his death.

Along with all Arkansans, I am grateful for the service and sacrifice of all of our military servicemembers and their families. More than 11,000 Arkansans on Active Duty and more than 10,000 Arkansas reservists have served in Iraq or Afghanistan since September 11, 2001.

It is the responsibility of our Nation to provide the tools necessary to care for our country's returning servicemembers and honor the commitment our Nation made when we sent them into harm's way. Our grateful Nation will not forget them when their military service is complete. It is the least we can do for those whom we owe so much.

HEALTH CARE REFORM

Mr. BARRASSO. Mr. President, I rise today to address comments made on the floor of the U.S. Senate on June 8, 2010. The senior Senator from Montana accused me of slandering an individual. That individual is President Obama's nominee to be the next Centers for Medicare and Medicaid Services, CMS, Administrator, Dr. Donald Berwick.

The Senator from Montana is incorrect. I want the record to accurately reflect the foundation on which I made my comments on the floor. I told the Senate that the nominee to be the next CMS Administrator ''loves the British health care system and says we are going to need to ration care. The new Director of Medicare is planning to ration care.''

I based my comments solely on historic statements made and articles written by the nominee about the British health care system and rationing care. These statements include:

1. ''The decision is not whether or not we will ration care—the decision is whether we will ration with our eyes open.'' You can find this statement in: ''Rethinking Comparative Effectiveness Research,'' An Interview with Dr. Donald Berwick, Biotechnology Healthcare, June 2009.

2. ''I fell in love with the NHS to an American observer, the NHS . . . is

such a seductress.'' You can find this statement in: ''Celebrating Quality 1998–2008'' by Donald Berwick, M.D., speech at London Science Museum, September 30, 2008.

3. ''The NHS is not just a national treasure; it is a global treasure. As unabashed fans, we urge a dialogue on possible forms of stabilization to better provide the NHS with the time, space, and constancy of purpose to realize its enormous promise.'' You can find this statement in: ''Steadying the NHS'' by Donald Berwick, M.D. and Sheila Leatherman, BMJ, July 29, 2006, p. 255.

4. ''Cynics beware: I am romantic about the National Health Service; I love it. All I need to do to rediscover the romance is to look at health care in my own country.'' You can find this statement in: ''A Transatlantic Review of the NHS at 60'' by Donald Berwick, M.D., BMJ, July 26, 2008, p. 213.

5. ''Here [in Britain], you choose the harder path. You plan the supply; you aim a bit low; you prefer slightly too little of a technology or a service to too much; then you search for care bottlenecks and try to relieve them.'' You can find this statement in: ''A Transatlantic Review of the NHS at 60'' by Donald Berwick, M.D., BMJ, July 26, 2008, p. 213.

REQUEST FOR CONSULTATION

Mr. COBURN. I ask unanimous consent that my letter to Senator MCCONNELL dated June 9, 2010, be printed in the RECORD.

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

U.S. SENATE,
Washington, DC, June 9, 2010.

Hon. MITCH MCCONNELL,
Senate Minority Leader,
U.S. Senate, Washington, DC.

DEAR SENATOR MCCONNELL: I am requesting that I be consulted before the Senate enters into any unanimous-consent agreements or time limitations regarding S. 3019/H.R. 3695, Billy's Law.

I support the goals of this legislation and believe that information regarding missing persons and unidentified remains should be accurate and properly maintained. However, I believe that we can and must do so in a fiscally responsible manner. My concerns are included in, but not limited to, those outlined in this letter.

While this bill is well-intentioned, it costs the American people over $64 million. This legislation has received no process in the Senate Judiciary Committee, as it was only recently introduced on February 23, 2010. As a member of the Judiciary Committee, I believe, prior to floor consideration, legislation under the committee's jurisdiction should be processed in regular order. Appropriate hearings and debate in committee markup are essential to all legislation, especially legislation like Billy's Law, which spends significant federal dollars, authorizes new programs and requires the sharing of personally identifiable information between government databases.

Although additional resources may be necessary, we should act responsibly by reviewing current operations, evaluating their effectiveness, and then determining the best strategy for addressing the areas with the most need. That cannot be accomplished with constant use of the hotline process. The Congressional Research Service estimates that 94% of all measures passed by the Senate do not receive a roll call vote. The hotline process is even more detrimental to transparency and oversight when legislation, like Billy's Law, is hotlined without going through regular committee order.

Moreover, it is irresponsible for Congress to jeopardize the future standard of living of our children by borrowing from future generations. The U.S. national debt is now $13 trillion. That means over $42,000 in debt for each man, woman and child in the United States. A year ago, the national debt was $11.2 trillion. Despite pledges to control spending, Washington adds $4.6 billion to the national debt every single day—that is $3.2 million every single minute.

In addition to the above, there are several specific problems with this legislation. First, Billy's Law seeks to authorize the National Missing and Unidentified Persons System (NamUs), an online repository for information about missing persons and unidentified remains. However, this database has been in operation, without Congressional authorization, since 2007. Before we seek to condone an existing program by providing a Congressional authorization, we should perform rigorous oversight of NamUs to determine whether there is existing waste, fraud and abuse or ways to increase its efficiency. Without the opportunity to conduct hearings and committee markup, it is impossible to effectively examine and evaluate the current operation of NamUs.

Second, merely to maintain NamUs, Billy's Law authorizes $2.4 million per year for fiscal years 2011 through 2016, totaling $14.4 million, without corresponding offsets. This authorization exceeds the yearly sum of $1.3 million the Department of Justice indicates is necessary to maintain the database. Furthermore, according to the Congressional Research Service, Congress already provides funding for NamUs via the National Institute of Justice and the Community Oriented Policing Service. I am concerned that this bill will enable NamUs to double dip into multiple sources of funding for the same purposes.

Third, the bill requires the National Crime Information Center (NCIC) database and NamUs to share information on missing persons and unidentified remains. While the bill requires the Attorney General and Director of the Federal Bureau of Investigation (FBI) to establish rules on confidentiality of this information, I remain concerned about the protection of this personally identifiable information.

NamUs is accessible not only by law enforcement, but also the public. NamUs is comprised of two smaller databases—the Missing Persons Database and the Unidentified Remains Database. While the Unidentified Remains Database does not allow the public to enter information and restricts certain information from being accessed by the public, the Missing Persons Database allows both the public and law enforcement to submit information about missing persons. There is no way to guarantee the consistency and accuracy of publicly entered information. The ability of NamUs and NCIC to share information via this legislation magnifies these concerns.

Fourth, the bill also establishes an Incentive Grants Program to provide law enforcement, coroners, medical examiners and other authorized agencies with grants to facilitate reporting information to both NCIC and NamUs. These grants can be used for very broad purposes, including hiring, contracting and ''other purposes consistent with the goals of this section.'' I believe that state and local law enforcement and other state or locally-run agencies should bear the burden of reporting state and local information. If these databases are, in fact, effective and further the investigations carried out by state and local law enforcement, they should be willing to prioritize funding in their own budgets to utilize the databases accordingly.

Furthermore, the task of investigating missing person and unidentified remains cases often falls primarily on state and local law enforcement. As a result, the federal government should not bear the entire cost for either the Incentive Grants Program or the operation of the NamUs database. For the Incentive Grants Program, the bill authorizes $10 million per year for fiscal years 2011 through 2015, totaling $50 million that is not offset by reductions in real spending elsewhere in the federal budget. In addition, there is no limit on the amount that the Attorney General may award for each grant. Rather, the Attorney General has the discretion to determine how much each grantee receives.

In addition to offsets for federal spending on these programs, I believe all funding in this legislation should be borne at least equally between the states and the federal government. It is clear that state and local law enforcement will be utilizing NamUs often. In fact, the Incentive Grants Program authorized in this bill is specifically to help state and local entities ''facilitate the process of reporting information regarding missing persons and unidentified remains to the NCIC database and NamUs databases. . . .''

While there is no question that law enforcement should endeavor to quickly locate missing persons and return them to their families, the federal government is already making efforts to facilitate this process. Congress should, like many American individuals and companies do with their own resources, evaluate current programs, determine any needs that may exist and prioritize those needs for funding by cutting from the federal budget programs fraught with waste, fraud, abuse and duplication.

Sincerely,

TOM A. COBURN, M.D.,
United States Senator.

REMEMBERING DOROTHY KAMENSHEK

Mrs. BOXER. Mr. President, I ask my colleagues to join me in honoring the memory of Dorothy Kamenshek who passed away on May 17 at her home in Palm Desert, CA. She was 84 years old.

Dorothy Kamenshek was born in Norwood, OH, on December 21, 1925. Her gifts on the diamond were evident from the time she attended the tryouts for an all women's baseball league in Cincinnati while she was a high school senior. Her performance at the tryouts earned her an invitation to participate in the final tryouts that were held at Wrigley Field in Chicago. From the Wrigley Field tryouts, Ms. Kamenshek would emerge as one of two women from Cincinnati who were selected to play in the fledgling All-American Girls Professional Baseball League.

The All-American Girls Professional Baseball League was the brainchild of Chicago Cubs owner, Phillip Wrigley, who sought to fill the void that had been created by the disbanding of many minor league teams as a result of young men who were drafted into the armed services during World War II.

The existence of the All-American Girls Professional Baseball League nearly paralleled the span of Ms. Kamenshek's playing career from 1943–1954. During her career, Ms. Kamenshek all-around excellence on and off the field earned her the admiration of many fans and the respect of her peers.

Ms. Kamenshek was undoubtedly one of the finest players in the All-American Girls Professional Baseball League. The league's all-time batting leader with a .292 average, she had a smooth left-handed swing that earned her consecutive batting titles in 1946 and 1947. The leadoff hitter for the Rockford Peaches, she used her speed on the base paths to create havoc for her opponents as she compiled 657 stolen bases during her career. An all-around baseball player, Ms. Kamenshek's work with the glove once prompted former New York Yankees first baseman Wally Pipp to observe that she was ''the fanciest fielding first baseman that I've ever seen, man or woman.''

Ms. Kamenshek would lead her team, the Rockford Peaches, to four championships before her career was curtailed by a back injury. A driven person who was not going to rest on her laurels, she earned a bachelor's degree in physical therapy from Marquette University after her baseball career. In 1961, she moved to California where she worked as a staff physical therapist, supervisor and chief of therapy services for the Los Angeles County disabled children's services agency. After her retirement from Los Angeles County in 1980, she continued to treat patients in acute care on a part-time basis for the next 6 years.

In 1992, the story of Ms. Kamenshek and the other women who played in the All-American Girls Professional Baseball League was introduced to a new generation of Americans by the popular movie ''A League of Their Own.'' In the movie, the character of Dottie Hinson, played by Geena Davis, was presented as the best player in the league and was named Dottie as a tribute to Ms. Kamenshek, who was affectionately known as Dottie to her friends. In 1999, Sports Illustrated named Ms. Kamenshek one of its top 100 female athletes of the 20th century.

On the field, Dorothy Kamenshek is widely regarded as the greatest female baseball player ever. Off the field, her legacy will be one of a pioneer who, through sheer talent and determination, achieved excellence in a sport that was once deemed to be beyond the physical capacity of females. Dorothy Kamenshek inspired generations of Americans to chip away at the glass ceiling to follow their dreams and pursue endeavors and careers of their own choosing.

She will be dearly missed.

ADDITIONAL STATEMENTS

100TH ANNIVERSARY OF THE FOUNDING OF DANTE, SOUTH DAKOTA

● Mr. JOHNSON. Mr. President, today I pay tribute to the 100th anniversary of the founding of Dante, SD. Small towns like Dante embody South Dakota values, and are the cornerstone of our State.

Dante was founded as a railroad town when a group of farmers were concerned with their ability to haul grain between Wagner and Avon. The farmers approached the Chicago, Milwaukee, and St. Paul Railroad to set up a depot between the towns. After getting a petition signed, the railroad expanded to the newly formed town. Planted in 1907, Dante was incorporated in 1912. Originally called Mayo after H.T. Mayo who donated the land to the town, the railroad company objected to the name. Mr. Mayo was asked for a name to which he reportedly said, ''Call it Dante's Inferno for all I care!'' In 1911, Dante had flourished enough to support the Dante Bowling Alley and Pool Hall. The school was opened in 1912 and stayed open until 1971.

To celebrate the town's anniversary, Dante will be having music, a softball tournament, games and more. With something for everyone, this weekend's celebration is sure to be an enjoyable experience as Dante comes together to celebrate this historic anniversary. I would like to congratulate the people of Dante on reaching this historic milestone, and offer them best wishes on the years to come.●

TRIBUTE TO DR. ANN SOUTHERLAND

● Mr. LEMIEUX. Mr. President, today I wish to bring special recognition to Dr. Ann Marie Phillips Southerland.

Dr. Southerland has elected to retire from Pensacola Junior College after 42 years of distinguished service. She first joined the faculty of the PJC home economics department in 1975 and was promoted as an assistant professor in 1978, an associate professor in 1981, a full professor in 1984 and department head in 1985.

Recognizing her devotion to student success and years of excellence in teaching, Dr. Southerland was appointed to the position of district director of vocational education in 1988 and district dean of vocational education in 1990. In this capacity, Dr. Southerland spearheaded efforts and initiatives to improve curriculum, instruction and assessment. She challenged her colleagues to empower students and ensure they would enter the world with the skills to compete and succeed in the increasingly competitive global marketplace.

The success of Dr. Southerland's contributions to Pensacola Junior College were measurable, and the college appointed her to assistant vice president for academic affairs and career education in 2005. Yet Dr. Southerland's reach has been felt far beyond the academic corridors of northwest Florida. She has selflessly dedicated her time, experience and energy to causes throughout the State of Florida—serving as a member of the Council of Occupational Deans and working arm in arm with her counterparts in all 28 institutions in the Florida College System. What's more, her extensive body of academic literature has been published in numerous scholarly journals and periodicals.

I wish to take this opportunity to commend Dr. Southerland for her service and professionalism. She has been a role model and mentor for many faculty, staff and students at Pensacola Junior College. She has my sincere and heartfelt thanks for her devotion to educating tomorrow's leaders.●

DO THE WRITE THING WRITING CHALLENGE FINALISTS

● Mr. LEVIN. Mr. President, the Do the Write Thing Challenge, or DtWT, is a national program that provides middle school students across the country with the opportunity to examine some of the most pressing issues facing their community. It encourages students to examine and confront the causes and the effects of youth violence through classroom discussions and writings. The focus is on preventative measures with an emphasis on personal responsibility. Since the program's founding in 1994, hundreds of thousands of students have reaped benefits from this community-based approach to addressing these complex and tragic issues.

Middle school students from cities across the Nation participated in DtWT. These students submitted creative and poignant essays, poems, plays, or songs about their personal experiences with youth violence. They wrote about the effect of violence in their lives and about how they can contribute to efforts to eradicate it. Students also pledged to carry out their ideas in their daily lives. This strategy, which empowers young people to make positive changes in their lives and communities, has surely had a positive impact on the communities in which these students reside.

Each year, a DtWT Committee made up of business, community, and government leaders from each participating jurisdiction reviews the writing samples and selects two national finalists. I am pleased to recognize this year's national finalists from Detroit, Karan Patrick and KeJaun Williams. Their creative pieces about youth violence are heart-wrenching and timely. Karan and KeJaun wrote personal pieces about the profound impact violence has had on their young lives and about the lasting consequences of their choices. They conveyed a deep understanding of the result of youth violence. I am impressed by the maturity they displayed

in confronting this topic and congratulate them on being selected as national finalists.

This summer, they will join other DtWT national finalists in Washington, DC, for National Recognition Week. While here, they will attend a ceremony in their honor. Their work also will be placed permanently in the Library of Congress.

I invite my colleagues to join me in celebrating the work of the DtWT finalists and the many organizers across the country who facilitated open discussions in schools about youth violence. Their work is an essential element in the development of local solutions to youth violence in Michigan and across the Nation, and I applaud their efforts.●

150TH ANNIVERSARY OF THE CITY OF MANISTIQUE

● Mr. LEVIN. Mr. President, the small towns and cities that dot this great Nation are at the core of our country's character and cultural fabric. These communities, and the legacy they embody, fashion the great American story through their unique chapters in this ongoing narrative. It is in this spirit that I recognize the sesquicentennial anniversary of the founding of the city of Manistique, MI. The residents of this great city will come together to celebrate this significant milestone with a summer of festivities.

This community in the upper peninsula was first named in 1860 by Charles Harvey, a businessman who sought to build a small dam on the Manistique River. He would first name the area Epsport, after his wife's family name. In 1879, Epsport was named county seat of Schoolcraft county, and a few years later, it was renamed Manistique Township. This area experienced a period of rapid development, beginning in 1872 with the relocation of Weston Lumber Company to Manistique by its founder, Abijah Weston. The rise of the timber industry spurred the creation of other industries, such as limestone, shingles, cooperage, a box factory, a charcoal iron company and a handle factory.

Like many small towns and cities in the upper peninsula, Manistique has navigated major shifts in its core economy. The timber industry peaked in this region around 1920 and, along with it, the city's population, boasting close to 10,000 residents, aided also by the expansion of the Soo Line Railroad to the area. As the timber industry declined, it was replaced by farming, limestone production and a paper mill, and after World War II, tourism emerged as a major industry. Nestled along the northern shore of Lake Michigan where the lake meets the Manistique River, this region offers tourists considerable natural beauty and countless opportunities to experience the outdoors in its natural state, from the shores of Lake Michigan, to the Seney National Wildlife Refuge, to Hiawatha National Forest, to name a few.

Manistique's sesquicentennial anniversary is a tribute to the strength and perseverance of its citizens and to the many that have played a role in the formation and evolution of this city from its inception. I invite my colleagues in the Senate to join me in recognizing this milestone, and I wish the residents of this city another century and a half of achievement and success.●

REMEMBERING DAVID CURLING

● Mrs. LINCOLN. Mr. President, today I pay tribute to firefighter David Curling of Pine Bluff who made the ultimate sacrifice while working to keep his fellow Arkansans safe.

In late May, David lost his life after a 4-month battle with injuries he sustained when a wall fell on him during a January fire. A 14-year firefighting veteran, he was a lieutenant assigned to Station 3 at 30th Avenue and Ash Street in Pine Bluff.

I extend my heartfelt condolences to David's family, who mourn the loss of their loved one. David bravely and courageously fought to protect the lives of those under his watch.

Along with all Arkansans, I recognize the courage, bravery, and dedication of our Arkansas emergency responders, who risk their lives each day to keep our citizens safe. We must do all we can to honor and remember those who make the ultimate sacrifice, as well as the family members, friends, and fellow officers they left behind. I thank these public servants for their service and sacrifice.●

100TH ANNIVERSARY OF EUREKA SPRINGS CARNEGIE PUBLIC LIBRARY

● Mrs. LINCOLN. Mr. President, today I join residents of Eureka Springs in my home State of Arkansas to celebrate the 100th anniversary of the founding of the Eureka Springs Carnegie Public Library. Throughout the majority of the town's history, the library has served as a vital resource for children and adults of all ages.

Eureka Springs Carnegie Public Library is one of four Arkansas library buildings built with funding by Andrew Carnegie. The building itself was constructed of locally quarried stone and is listed on the National Register of Historic Places.

Libraries help build strong communities by promoting the joy of reading, the love of knowledge, and the excitement of discovery. As the mother of twin boys, I know that reading is the foundation for success in the classroom, and I encourage my boys to read not only at school but also at home. We must do everything we can to ensure that our Arkansas children have the books and technology they need to develop critical literacy skills and reach their full potential.

Mr. President, I commend the librarians, staff, and board members of Eureka Springs Carnegie Library for their success in informing and inspiring their community. I encourage all Arkansans to make a stop at their public library today to share in the joy of learning and knowledge.●

RECOGNIZING THE EL DORADO SCHOOL DISTRICT

● Mrs. LINCOLN. Mr. President, today I salute the students, faculty, and staff of the El Dorado School District for their outstanding efforts to maintain the health and well-being of their school community. The district was recently named the Gold Award Winner of the 2010 Arkansas Healthy School Board, in addition to being named the 2010 International PRIDE Team of the Year for their efforts to prevent youth drug abuse and violence.

El Dorado was named to the Arkansas Healthy School Board for their efforts to offer healthier school lunches and healthy food in vending machines. As the mother of two boys, I understand how important it is for parents to make healthy choices for their kids and help them learn to make healthy choices for themselves. Obesity is a growing problem across our Nation, and if kids learn good eating habits while they are young, that knowledge will stay with them throughout their entire lives. In addition, kids who are healthy and feel good perform better at school and in all areas of their lives.

Unfortunately, many families in our country are unable to provide healthy, nutritious meals. More than ever, families are looking to programs like the National School Lunch Program to ensure children's nutritional needs are met. My Healthy, Hunger-Free Kids Act of 2010 invests $4.5 billion in new child nutrition program funding over the next 10 years, the most historic investment in child nutrition programs since their inception. This investment is fully paid for and will not add to the national debt.

I also commend the El Dorado PRIDE Youth Team, which was named the 2010 International PRIDE Team of the Year. PRIDE Youth Programs, formerly Parents Resource Institute for Drug Education, is the Nation's oldest and largest organization devoted to drug abuse and violence prevention through education. The mission of PRIDE is to educate, promote, and support drug-free youth.

For the past 4 years, the El Dorado PRIDE team has been nominated as one of the top three teams in the Nation. There are also 30 PRIDE members named each year to the National Team from all over the country. This year, three El Dorado students—Allison George, Tylor Ritz and Amanda York—were named to the national team.

Mr. President, I salute the entire El Dorado community for their efforts to keep their schools healthy and safe.●

TRIBUTE TO PHILIP LANDER

● Ms. SNOWE. Mr. President, last Monday, our Nation paused to remember

the sacrifices that the men and women of our Armed Forces have made over the past 235 years. Indeed, Memorial Day is a time to reflect on the freedoms and liberties we enjoy because of the heroic deeds of these brave service members. For those who made it back, many seek to continue giving back to the nation they love. Today I wish to recognize one such veteran, Philip Lander, who is the owner of Atlantic Defense Company, a small, service-disabled veteran-owned construction firm in my home State of Maine that provides other veterans with an opportunity to find meaningful employment upon their return. For his efforts, Mr. Lander has been named the Small Business Administration's 2010 Maine Veteran Small Business Champion, a truly prestigious honor that only begins to highlight his incredible work to help America's veterans.

Indeed, Mr. Lander can lay claim to a distinguished record of service to our Nation dating back to 1970, when he enlisted in the U.S. Army during his time at the University of Maine. After 2 years of service, he returned to Maine to complete a degree in agricultural engineering during which time he joined the Air National Guard. Mr. Lander was called up to active duty during several notable conflicts, including Operations Desert Shield and Desert Storm and the Bosnian war in the 1990s, and was recalled to duty after the tragic events of September 11, 2001.

Mr. Lander founded Atlantic Defense Company in 2005, after retiring from the U.S. Air Force the year before. Atlantic Defense immediately got to work upon its inception, renovating the well-known Jordan Pond House in Maine's Acadia National Park, as well as taking on a contract for the New Jersey Air National Guard rebuilding ground support equipment. Shortly after the scandal at Walter Reed Army Medical Center, Atlantic Defense sought to help America's veterans receive the care they are entitled to by assisting in the rehabilitation of the Nation's VA hospital system. The company performed work at several hospitals across New England, including Togus in Maine and Westhaven in Connecticut.

Always seeking to give back to those who have served, Mr. Lander is involved in the Helmets to Hardhats program, which has the goal of helping veterans of the military, Reserves, and Guard transition from active duty to jobs in the construction industry. His company also transports a medical van to remote spots throughout the northwest portion of Maine, to ensure that veterans living in those areas are able to receive care from the Togus VA system. Mr. Lander also seeks to employ veterans in his company, which currently has 15 to 20 year-round employees, as well as through subcontracting opportunities with similar service-disabled veteran-owned firms.

It has been said of the members of our Nation's Armed Forces that some gave all, but all gave some, and clearly, Philip Lander continues to give back even after his longtime career of service to our nation. His generous and selfless efforts to employ fellow veterans and provide them with critical opportunities back home is admirable. I congratulate him on his recognition as the 2010 Maine Veteran Small Business Champion, and wish everyone at Atlantic Defense Company success in future projects.●

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting nomination which was referred to the Committee on the Judiciary.

(The nomination received today is printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 9:58 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 5026. An act to amend the Federal Power Act to protect the bulk-power system and electric infrastructure critical to the defense of the United States against cybersecurity and other threats and vulnerabilities.

H.R. 5133. An act to designate the facility of the United States Postal Service located at 331 1st Street in Carlstadt, New Jersey, as the ''Staff Sergeant Frank T. Carvill and Lance Corporal Michael A. Schwarz Post Office Building''.

H.R. 5278. An act to designate the facility of the United States Postal Service located at 405 West Second Street in Dixon, Illinois, as the ''President Ronald W. Reagan Post Office Building''.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H.R. 4173) entitled ″An Act to provide for financial regulatory reform, to protect consumers and investors, to enhance Federal understanding of insurance issues, to regulate the over-the-counter derivatives markets, and for other purposes″, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as managers of the conference on the part of the House:

From the Committee on Financial Services, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Messrs. FRANK of Massachusetts, KANJORSKI, Ms. WATERS, Mrs. MALONEY, Messrs. GUTIERREZ, WATT, MEEKS of New York, MOORE of Kansas, Ms. KILROY, Messrs. PETERS, BACHUS, ROYCE, Mrs. BIGGERT, Mrs. CAPITO, Messrs. HENSARLING, and GARRETT of New Jersey.

From the Committee on Agriculture, for consideration of subtitles A and B of title I, sections 1303, 1609, 1702, 1703, title III (except sections 3301 and 3302), sections 4205(c), 4804(b)(8)(B), 5008, and 7509 of the House bill, and section 102, subtitle A of title I, sections 406, 604(h), title VII, title VIII, sections 983, 989E, 1027(j), 1088(a)(8), 1098, and 1099 of the Senate amendment, and modifications committed to conference: Messrs. PETERSON, BOSWELL; and LUCAS.

From the Committee on Energy and Commerce, for consideration of sections 3009, 3102(a)(2), 4001, 4002, 4101–4114, 4201, 4202, 4204–4210, 4301–4311, 4314, 4401–4403, 4410, 4501–4509, 4601–4606, 4815, 4901, and that portion of section 8002(a)(3) which adds a new section 313(d) to title 31, United States Code, of the House bill, and that portion of section 502(a)(3) which adds a new section 313(d) to title 31, United States Code, sections 722(e), 1001, 1002, 1011–1018, 1021–1024, 1027–1029, 1031–1034, 1036, 1037, 1041, 1042, 1048, 1051–1058, 1061–1067, 1101, and 1105 of the Senate amendment, and modifications committed to conference: Messrs. WAXMAN, RUSH, and BARTON of Texas.

From the Committee on the Judiciary, for consideration of sections 1101(e)(2), 1103(e)(2), 1104(i)(5) and (i)(6), 1105(h) and (i), 1110(c) and (d), 1601, 1605, 1607, 1609, 1610, 1612(a), 3002(c)(3) and (c)(4), 3006, 3119, 3206, 4205(n), 4306(b), 4501–4509, 4603, 4804(b)(8)(A), 4901(c)(8)(D) and (e), 6003, 7203(a), 7205, 7207, 7209, 7210, 7213–7216, 7220, 7302, 7507, 7508, 9004, 9104, 9105, 9106(a), 9110(b), 9111, 9118, 9203(c), and 9403(b) of the House bill, and sections 112(b)(5)(B), 113(h), 153(f), 201, 202, 205, 208–210, 211(a) and (b), 316, 502(a)(3), 712(c), 718(b), 723(a)(3), 724(b), 725(c), 728, 731, 733, 735(b), 744, 748, 753, 763(a), (c) and (i), 764, 767, 809(f), 922, 924, 929B, 932, 991(b)(5), (c)(2)(G) and (c)(3)(H), 1023(c)(7) and (c)(8), 1024(c)(3)(B), 1027(e), 1042, 1044(a), 1046(a), 1047, 1051–1058, 1063, 1088(a)(7)(A), 1090, 1095, 1096, 1098, 1104, 1151(b), and 1156(c) of the Senate amendment, and modifications committed to conference: Messrs. CONYERS, BERMAN, and SMITH of Texas.

From the Committee on Oversight and Government Reform, for consideration of sections 1000A, 1007, 1101(e)(3), 1203(d), 1212, 1217, 1254(c), 1609(h)(8)(B), 1611(d), 3301, 3302, 3304, 4106(b)(2) and (g)(4)(D), 4604, 4801, 4802, 5004, 7203(a), 7409, and 8002(a)(3) of the House bill, and sections 111(g), (i) and (j), 152(d)(2), (g) and (k), 210(h)(8), 319, 322, 404, 502(a)(3), 723(a)(3), 748, 763(a), 809(g), 922(a), 988, 989B, 989C, 989D, 989E, 1013(a), 1022(c)(6), 1064, 1152, and 1159(a) and (b) of the Senate amendment, and modifications committed to conference: Messrs. TOWNS, CUMMINGS, and ISSA.

From the Committee on Small Business, for consideration of sections 1071 and 1104 of the Senate amendment, and

modifications committed to conference: Ms. VELÁZQUEZ, Messrs. SHULER, and GRAVES.

At 5:05 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 5072. An act to improve the financial safety and soundness of the FHA mortgage insurance program.

The message also announced that the House has passed the following bill, without amendment:

S. 3473. An act to amend the Oil Pollution Act of 1990 to authorize advances from Oil Spill Liability Trust Fund for the Deepwater Horizon oil spill.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 5026. An act to amend the Federal Power Act to protect the bulk-power system and electric infrastructure critical to the defense of the United States against cybersecurity and other threats and vulnerabilities; to the Committee on Energy and Natural Resources.

H.R. 5072. An act to improve the financial safety and soundness of the FHA mortgage insurance program; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 5133. An act to designate the facility of the United States Postal Service located at 331 1st Street in Carlstadt, New Jersey, as the ''Staff Sergeant Frank T. Carvill and Lance Corporal Michael A. Schwarz Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 5278. An act to designate the facility of the United States Postal Service located at 405 West Second Street in Dixon, Illinois, as the ''President Ronald W. Reagan Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–6147. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting the report of (5) officers authorized to wear the insignia of the grade of rear admiral in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–6148. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to the restructured Advanced Threat Infrared Countermeasures/Common Missile Warning System (ATIRCM/CMWS) program; to the Committee on Armed Services.

EC–6149. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to the restructured F–35 Joint Strike Fighter (JSF) program; to the Committee on Armed Services.

EC–6150. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to the restructured Apache Block III (AB3) program; to the Committee on Armed Services.

EC–6151. A communication from the Executive Vice President and Chief Financial Officer, Federal Home Loan Bank of Atlanta, transmitting, pursuant to law, the Bank's management reports and statements on system of internal controls for fiscal year 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC–6152. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2010–0080—2010–0088); to the Committee on Foreign Relations.

EC–6153. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a manufacturing license agreement for the export of defense articles, including, technical data, and defense services to King Abdullah II Design and Development Bureau (KADDB) in Jordan for the assembly and distribution of JAWS (Jordan Arms and Weapons Systems) Viper multi-caliber semi-automatic handguns to various countries in the amount of $1,000,000 or more; to the Committee on Foreign Relations.

EC–6154. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the status of the Government of Cuba's compliance with the United States-Cuba September 1994 ''Joint Communique'' and on the treatment of persons returned to Cuba in accordance with the United States-Cuba May 1995 ''Joint Statement''; to the Committee on Foreign Relations.

EC–6155. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report on the Secretary's recommendation to continue a waiver of application of a section of the Trade Act of 1974 with respect to Belarus; to the Committee on Foreign Relations.

EC–6156. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the extension of waiver authority for Turkmenistan; to the Committee on Foreign Relations.

EC–6157. A communication from the Director, Office of Labor-Management Standards, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Notification of Employee Rights Under Federal Labor Laws'' (RIN1215–AB70; RIN1245–AA00) received in the Office of the President of the Senate on June 8, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC–6158. A communication from the Secretary of Labor, transmitting, pursuant to law, the Semiannual Report of the Office of Inspector General of the Department of Labor for the period from October 1, 2009, through March 31, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC–6159. A communication from the Chairman of the Federal Maritime Commission, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the period of October 1, 2009, to March 31, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC–6160. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the Annual Privacy Activity Report for 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–6161. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the Office's Federal Equal Opportunity Recruitment Program Report for Fiscal Year 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–6162. A communication from the Chief Executive Officer, Millennium Challenge Corporation, transmitting, pursuant to law, the Semiannual Report of the Corporation's Inspector General for the six-month period from October 1, 2009, to March 31, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC–6163. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–414, ''Job Growth Incentive Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–6164. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–415, ''Health Insurance for Dependents Temporary Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–6165. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–420, ''Adoption and Guardianship Subsidy Temporary Amendment Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–6166. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–428, ''Healthy Schools Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–6167. A communication from the Program Manager, Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Decision-Making Authority Regarding the Denial, Suspension, or Revocation of a Federal Firearms License, or Imposition of a Civil Fine'' (Docket No. ATF 17F) received in the Office of the President of the Senate on June 7, 2010; to the Committee on the Judiciary.

EC–6168. A communication from the Staff Director, United States Commission on Civil Rights, transmitting, pursuant to law, the report of the appointment of members to the Colorado Advisory Committee; to the Committee on the Judiciary.

EC–6169. A communication from the Staff Director, United States Commission on Civil Rights, transmitting, pursuant to law, the report of the appointment of members to the Louisiana Advisory Committee; to the Committee on the Judiciary.

EC–6170. A communication from the Staff Director, United States Commission on Civil Rights, transmitting, pursuant to law, the report of the appointment of members to the Oregon Advisory Committee; to the Committee on the Judiciary.

EC–6171. A communication from the Director of Regulation Policy and Management, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Copayment for Medications'' (RIN2900–AN50) received in the Office of the President of the Senate on June 9, 2010; to the Committee on Veterans' Affairs.

EC–6172. A communication from the Director of Regulation Policy and Management, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Copayment for Medications After June 30, 2010'' (RIN2900–AN65) received in the Office of the President of the Senate on June 9, 2010; to the Committee on Veterans' Affairs.

EC–6173. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operation Regulation; Chehalis River, Aberdeen, WA, Schedule Change'' ((RIN1625–AA09) (Docket No. USG–2009–0959)) received in the Office of the President of the Senate on June 8, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6174. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operation Regulation; Port of Coos Bay Railroad Bridge, Coos Bay, North Bend, OR'' ((RIN1625–AA09) (Docket No. USG–2009–0840)) received in the Office of the President of the Senate on June 8, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6175. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operation Regulation; Lower Grand River, Iberville Parish, LA'' ((RIN1625–AA09) (Docket No. USG–2009–0686)) received in the Office of the President of the Senate on June 8, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6176. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operation Regulation; CSX Railroad, Trout River, mile 0.9, Jacksonville, FL'' ((RIN1625–AA09) (Docket No. USG–2009–0249)) received in the Office of the President of the Senate on June 8, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6177. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Red River, MN'' ((RIN1625–AA00) (Docket No. USG–2010–0198)) received in the Office of the President of the Senate on June 8, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6178. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zones; Blasting Operations and Movement of Explosives, St. Marys River, Sault Sainte Marie, MI'' ((RIN1625–AA00) (Docket No. USG–2010–0290)) received in the Office of the President of the Senate on June 8, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6179. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; St. Louis River, Tallas Island, Duluth, MN'' ((RIN1625–AA00) (Docket No. USG–2010–0124)) received in the Office of the President of the Senate on June 8, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6180. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Desert Storm, Lake Havasu, AZ'' ((RIN1625–AA00) (Docket No. USG–2009–0809)) received in the Office of the President of the Senate on June 8, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6181. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; United Portuguese SES Centennial Festa, San Diego Bay, San Diego, CA'' ((RIN1625–AA00) (Docket No. USG–2010–0065)) received in the Office of the President of the Senate on June 8, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6182. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; BW PIONEER at Walker Ridge 249, Outer Continental Shelf FPSO, Gulf of Mexico'' ((RIN1625–AA00) (Docket No. USG–2009–0571)) received in the Office of the President of the Senate on June 8, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6183. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; APBA National Tour, Parker, AZ'' ((RIN1625–AA00) (Docket No. USG–2009–1110)) received in the Office of the President of the Senate on June 8, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6184. A communication from the Administrator of the National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, a report relative to The National Initiative for Increasing Seat Belt Use: Buckle Up America campaign; to the Committee on Commerce, Science, and Transportation.

EC–6185. A communication from the Secretary of Commerce, transmitting, pursuant to law, the Annual Report for Fiscal Year 2009 of the Department of Commerce's Bureau of Industry and Security; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DORGAN, from the Committee on Indian Affairs, without amendment:

S. 1388. A bill to provide for equitable compensation to the Spokane Tribe of Indians of the Spokane Reservation for the use of tribal land for the production of hydropower by the Grand Coulee Dam, and for other purposes (Rept. No. 111–204).

By Mr. KERRY, from the Committee on Foreign Relations, with an amendment in the nature of a substitute:

S. 3087. A bill to support revitalization and reform of the Organization of American States, and for other purposes (Rept. No. 111–205).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. DORGAN for the Committee on Indian Affairs.

*Cynthia Chavez Lamar, of New Mexico, to be a Member of the Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development for a term expiring May 19, 2010.

*JoAnn Lynn Balzer, of New Mexico, to be a Member of the Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development for a term expiring May 19, 2012.

*Tracie Stevens, of Washington, to be Chairman of the National Indian Gaming Commission for the term of three years.

By Mr. LEAHY for the Committee on the Judiciary.

Robert Neil Chatigny, of Connecticut, to be United States Circuit Judge for the Second Circuit.

Scott M. Matheson, Jr., of Utah, to be United States Circuit Judge for the Tenth Circuit.

James Kelleher Bredar, of Maryland, to be United States District Judge for the District of Maryland.

Ellen Lipton Hollander, of Maryland, to be United States District Judge for the District of Maryland.

Susan Richard Nelson, of Minnesota, to be United States District Judge for the District of Minnesota.

Thomas Edward Delahanty II, of Maine, to be United States Attorney for the District of Maine for the term of four years.

Wendy J. Olson, of Idaho, to be United States Attorney for the District of Idaho for the term of four years.

James A. Lewis, of Illinois, to be United States Attorney for the Central District of Illinois for the term of four years.

Donald J. Cazayoux, Jr., of Louisiana, to be United States Attorney for the Middle District of Louisiana for the term of four years.

Henry Lee Whitehorn, Sr., of Louisiana, to be United States Marshal for the Western District of Louisiana for the term of four years.

Kevin Charles Harrison, of Louisiana, to be United States Marshal for the Middle District of Louisiana for the term of four years.

Charles Gillen Dunne, of New York, to be United States Marshal for the Eastern District of New York for the term of four years.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BENNET:

S. 3475. A bill to provide tighter control over and additional public disclosure of earmarks; to the Committee on Rules and Administration.

By Mr. CASEY (for himself and Mr. SPECTER):

S. 3476. A bill to direct the Secretary of Homeland Security to establish national emergency centers on military installations; to the Committee on Armed Services.

By Mr. WEBB (for himself, Mr. WARNER, Mrs. MCCASKILL, Mr. BURRIS, Mr. BAYH, Mr. NELSON of Nebraska, Mr. TESTER, Mr. MCCAIN, Mr. BROWN of Massachusetts, and Mr. INHOFE):

S. 3477. A bill to ensure that the right of an individual to display the Service Flag on residential property not be abridged; to the Committee on Armed Services.

By Mr. SCHUMER (for himself, Mr. LEAHY, and Mr. WHITEHOUSE):

S. 3478. A bill to amend title 46, United States Code, to repeal certain limitations of liability and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. HAGAN (for herself, Mr. CASEY, and Ms. LANDRIEU):

S. 3479. A bill to authorize the Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention, to establish and implement a birth defects prevention, risk reduction, and public awareness program; to the

Committee on Health, Education, Labor, and Pensions.

By Mr. LIEBERMAN (for himself, Ms. COLLINS, and Mr. CARPER):

S. 3480. A bill to amend the Homeland Security Act of 2002 and other laws to enhance the security and resiliency of the cyber and communications infrastructure of the United States; to the Committee on Homeland Security and Governmental Affairs.

By Mr. CARDIN:

S. 3481. A bill to amend the Federal Water Pollution Control Act to clarify Federal responsibility for stormwater pollution; to the Committee on Environment and Public Works.

By Mr. REID:

S. 3482. A bill to provide for the development of solar pilot project areas on public land in Lincoln County, Nevada; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DURBIN (for himself and Mr. BURRIS):

S. Res. 549. A resolution congratulating the Chicago Blackhawks on winning the 2010 Stanley Cup; to the Committee on the Judiciary.

By Ms. STABENOW (for herself and Ms. SNOWE):

S. Res. 550. A resolution designating the week beginning on June 14, 2010, and ending on June 18, 2010, as ''National Health Information Technology Week'' to recognize the value of health information technology to improving health quality; considered and agreed to.

ADDITIONAL COSPONSORS

S. 260

At the request of Mr. DORGAN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 260, a bill to amend the Internal Revenue Code of 1986 to provide for the taxation of income of controlled foreign corporations attributable to imported property.

S. 663

At the request of Mr. NELSON of Nebraska, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 663, a bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to establish the Merchant Mariner Equity Compensation Fund to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II.

S. 1011

At the request of Mr. AKAKA, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 1011, a bill to express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity.

S. 1055

At the request of Mrs. BOXER, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 1055, a bill to grant the congressional gold medal, collectively, to the 100th Infantry Battalion and the 442nd Regimental Combat Team, United States Army, in recognition of their dedicated service during World War II.

S. 1090

At the request of Mr. WYDEN, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 1090, a bill to amend the Internal Revenue Code of 1986 to provide tax credit parity for electricity produced from renewable resources.

S. 1091

At the request of Mr. WYDEN, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 1091, a bill to amend the Internal Revenue Code of 1986 to provide for an energy investment credit for energy storage property connected to the grid, and for other purposes.

S. 1345

At the request of Mr. REED, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1345, a bill to aid and support pediatric involvement in reading and education.

S. 1352

At the request of Mr. DODD, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1352, a bill to provide for the expansion of Federal efforts concerning the prevention, education, treatment, and research activities related to Lyme and other tick-borne diseases, including the establishment of a Tick-Borne Diseases Advisory Committee.

S. 1548

At the request of Mr. CARDIN, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 1548, a bill to improve research, diagnosis, and treatment of musculoskeletal diseases, conditions, and injuries, to conduct a longitudinal study on aging, and for other purposes.

S. 1619

At the request of Mr. DODD, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1619, a bill to establish the Office of Sustainable Housing and Communities, to establish the Interagency Council on Sustainable Communities, to establish a comprehensive planning grant program, to establish a sustainability challenge grant program, and for other purposes.

S. 1620

At the request of Mr. BINGAMAN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1620, a bill to amend the Internal Revenue Code of 1986 to provide tax incentives and fees for increasing motor vehicle fuel economy, and for other purposes.

S. 1674

At the request of Mr. WYDEN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1674, a bill to provide for an exclusion under the Supplemental Security Income program and the Medicaid program for compensation provided to individuals who participate in clinical trials for rare diseases or conditions.

S. 2899

At the request of Mrs. FEINSTEIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 2899, a bill to amend the American Recovery and Reinvestment Act of 2009 and the Internal Revenue Code of 1986 to provide incentives for the development of solar energy.

S. 3036

At the request of Mr. BAYH, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 3036, a bill to establish the Office of the National Alzheimer's Project.

S. 3072

At the request of Mr. ROCKEFELLER, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 3072, a bill to suspend, during the 2-year period beginning on the date of enactment of this Act, any Environmental Protection Agency action under the Clean Air Act with respect to carbon dioxide or methane pursuant to certain proceedings, other than with respect to motor vehicle emissions, and for other purposes.

S. 3122

At the request of Mr. ENSIGN, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 3122, a bill to require the Attorney General of the United States to compile, and make publicly available, certain data relating to the Equal Access to Justice Act, and for other purposes.

S. 3238

At the request of Mr. SCHUMER, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 3238, a bill to provide for a medal of appropriate design to be awarded by the President to the next of kin or other representative of those individuals killed as a result of the terrorist attacks of September 11, 2001, and to the memorials established at the 3 sites that were attacked on that day.

S. 3324

At the request of Mr. BROWN of Ohio, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 3324, a bill to amend the Internal Revenue Code of 1986 to extend the qualifying advanced energy project credit.

S. 3335

At the request of Mr. COBURN, the names of the Senator from Delaware (Mr. KAUFMAN), the Senator from Maine (Ms. SNOWE) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 3335, a bill to require Congress to establish a unified and searchable database on a public website for congressional earmarks as called for by the President in his 2010 State of the Union Address to Congress.

S. 3411

At the request of Mrs. GILLIBRAND, the name of the Senator from New

York (Mr. SCHUMER) was added as a cosponsor of S. 3411, a bill to provide for the adjustment of status for certain Haitian orphans paroled into the United States after the earthquake of January 12, 2010.

S. 3434

At the request of Mr. BINGAMAN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 3434, a bill to provide for the establishment of a Home Star Retrofit Rebate Program, and for other purposes.

S. 3447

At the request of Mr. AKAKA, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 3447, a bill to amend title 38, United States Code, to improve educational assistance for veterans who served in the Armed Forces after September 11, 2001, and for other purposes.

S. 3461

At the request of Mr. VITTER, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 3461, a bill to create a fair and efficient system to resolve claims of victims for economic injury caused by the Deepwater Horizon incident, and to direct the Secretary of the Interior to renegotiate the terms of the lease known as ''Mississippi Canyon 252'' with respect to claims relating to the Deepwater Horizon explosion and oil spill that exceed existing applicable economic liability limitations.

S. 3462

At the request of Mrs. SHAHEEN, the names of the Senator from Oregon (Mr. MERKLEY) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 3462, a bill to provide subpoena power to the National Commission on the British Petroleum Oil Spill in the Gulf of Mexico, and for other purposes.

S.J. RES. 29

At the request of Mr. MCCONNELL, the name of the Senator from Florida (Mr. LEMIEUX) was added as a cosponsor of S.J. Res. 29, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

S. RES. 519

At the request of Mr. DEMINT, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. Res. 519, a resolution expressing the sense of the Senate that the primary safeguard for the well-being and protection of children is the family, and that the primary safeguards for the legal rights of children in the United States are the Constitutions of the United States and the several States, and that, because the use of international treaties to govern policy in the United States on families and children is contrary to principles of self-government and federalism, and that, because the United Nations Convention on the Rights of the Child undermines traditional principles of law in the United States regarding parents and children, the President should not transmit the Convention to the Senate for its advice and consent.

S. RES. 548

At the request of Mr. CORNYN, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. Res. 548, a resolution to express the sense of the Senate that Israel has an undeniable right to self-defense, and to condemn the recent destabilizing actions by extremists aboard the ship Mavi Marmara.

AMENDMENT NO. 4312

At the request of Mr. VITTER, the names of the Senator from Alabama (Mr. SHELBY) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of amendment No. 4312 proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

AMENDMENT NO. 4321

At the request of Mr. CASEY, the names of the Senator from Vermont (Mr. LEAHY), the Senator from Hawaii (Mr. AKAKA), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Oregon (Mr. MERKLEY), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Delaware (Mr. KAUFMAN), the Senator from New York (Mr. SCHUMER), the Senator from Illinois (Mr. DURBIN) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of amendment No. 4321 intended to be proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

AMENDMENT NO. 4324

At the request of Mr. WHITEHOUSE, the names of the Senator from Massachusetts (Mr. BROWN), the Senator from Vermont (Mr. LEAHY) and the Senator from Missouri (Mrs. MCCASKILL) were added as cosponsors of amendment No. 4324 intended to be proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

AMENDMENT NO. 4327

At the request of Ms. MURKOWSKI, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of amendment No. 4327 intended to be proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

AMENDMENT NO. 4332

At the request of Mr. KOHL, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of amendment No. 4332 intended to be proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

AMENDMENT NO. 4333

At the request of Mr. THUNE, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of amendment No. 4333 intended to be proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

At the request of Mr. MCCONNELL, his name was added as a cosponsor of amendment No. 4333 intended to be proposed to H.R. 4213, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. HAGAN (for herself, Mr. CASEY, and Ms. LANDRIEU):

3479. A bill to authorize the Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention, to establish and implement a birth defects prevention, risk reduction, and public awareness program; to the Committee on Health, Education, Labor, and Pensions.

Mrs. HAGAN. Mr. President, today I am proud to introduce the Birth Defects Prevention, Risk Reduction, and Awareness Act. This bill would ensure that women of childbearing age and health care professionals have access to clinical and evidence based information about the risks and benefits of drug, chemical, and nutritional exposures during pregnancy and while a woman is breastfeeding.

Women who are pregnant or breastfeeding and taking medication for chronic diseases such as asthma, hypertension, and epilepsy often have questions about the risks and benefits. Most pregnant women, as we witnessed last year, really want to know what the science indicates on whether they should get vaccinated against H1N1 or the seasonal flu.

Oftentimes, women will seek answers to these important questions from an established pregnancy and breastfeeding information service. In fact, each year over 70,000 women and health care providers contact these information services across the country. These information services provide valuable information that empowers women. In fact, one study indicated that 78 percent of women who were considering terminating otherwise wanted pregnancies due to fears about exposing their fetus to a medication changed their mind after receiving appropriate counseling from a teratology information service.

It is not just women who use these services; health care providers, including physicians and pharmacists, also utilize these pregnancy and breastfeeding information services. A 2009 study found that over 90 percent of physicians who use these services indicated that the service provides high quality information that has a significant impact on clinical care.

In North Carolina, we have the North Carolina Pregnancy Exposure Riskline, run out of Mission Health System in Asheville. The North Carolina Pregnancy Exposure Riskline fields calls from a variety of constituents, including health care providers, pregnant

women, preconception women, potential adoptive parents, and others. Each year, trained genetic counselors answer questions from over 300 callers, who want information on the impact of maternal exposures during pregnancy and while breastfeeding.

The North Carolina Pregnancy Exposure Riskline provides detailed, factual information to callers on the current available data, and makes referrals to pregnancy registries that are continuing to gather information so that researchers and health care providers can have the best information for future women. If needed and requested, counselors will refer women to pregnancy resources such as substances treatment facilities or the NC Family Health Resource line, which has led North Carolina in information campaigns on the benefits of folic acid and ''Back to Sleep.''

The North Carolina Pregnancy Exposure Riskline also supports the North Carolina Teratology Information Specialists program to provide outreach and education about fetal alcohol syndrome.

Although this is an invaluable service for many women, physicians, and other health care providers, pregnancy and breastfeeding information services across the country have been forced to close due to insufficient funding.

The bill I am introducing today would require the Secretary of Health and Human Services, through the Centers for Disease Control and Prevention, to implement a birth defects prevention and public awareness grant program. Specifically, CDC would initiate a national media campaign to increase awareness among health care providers and at risk populations about pregnancy and breast feeding information services. Experienced organizations would be eligible to apply for grants: to provide information; and to conduct surveillance and research of pregnancy exposures that may cause birth defects, prematurity or other adverse pregnancy outcomes, and maternal exposures that may cause harm to a breast-fed infant.

I am so pleased that the American Academy of Pediatrics, the American Congress of Obstetricians and Gynecologists, the March of Dimes, the Organization of Teratology Information Specialists, and the American Academy of Asthma & Immunology are in support of this worthwhile bill.

I urge my other colleagues to join me in supporting this important bill to provide valuable information about maternal exposures during pregnancy and while breastfeeding.

By Mr. LIEBERMAN (for himself, Ms. COLLINS, and Mr. CARPER):

S. 3480. A bill to amend the Homeland Seeurity Act of 2002 And other laws to enhance the security and resiliency of the cyber and communications infrastructure of the United States; to the Committee on Homeland Security and Governmental Affairs.

Mr. LIEBERMAN. Mr. President, I rise today to introduce the Protecting Cyberspace as a National Asset Act of 2010, which I believe would help secure the Nation's cyber networks against attack.

The Internet may have started out as a communications oddity some 40 years ago but it is now a necessity of modern life and, sadly, one that is under constant attack. Today, Senators COLLINS, CARPER, and I are introducing legislation which we believe would help secure the most critical cyber networks and therefore all Americans.

For all of its ''user-friendly'' allure, the Internet can also be a dangerous place with electronic pipelines that run directly into everything from our personal bank accounts to key infrastructure to government and industrial secrets. Our economic security, national security and public safety are now all at risk from new kinds of enemies—cyber-warriors, cyber-spies, cyberterrorists and cyber-criminals. That risk may be as serious to our homeland security as anything we face today.

Computer networks at the Departments of Defense are being probed hundreds of thousands of times a day, and networks at the Departments of State, Homeland Security and Commerce, as well as NASA and the National Defense University, have all suffered ''major intrusions by unknown foreign entities,'' according to reports.

Key networks that control vital infrastructure, like the electric grid, have been probed, possibly giving our enemies information that could be used to plunge us into darkness at the press of a button from across an ocean. Banks have had millions and millions of dollars stolen from accounts by cyber-bandits who have never been anywhere near the banks themselves.

In a report by McAfee—a computer security company, about 54 percent of the executives of critical infrastructure companies surveyed said their companies had been the victims of denial of service attacks or network infiltration by organized crime groups, terrorists, and other nation-states. The downtime to recover from these attacks can cost $6 million to $8 million a day.

Our present efforts at securing these vital but sprawling government and private sector networks have been disjointed, understaffed and underfinanced. We have not operated with the sense of urgency that is necessary to protect Americans' cyberspace, which the President has correctly described as a ''strategic national asset.''

Our bill would bring these disjointed efforts together so that the federal government and the private sector can coordinate their activities and work off the same playbook.

While President Obama's creation of a cyber-security coordinator inside the White House was a step in the right direction, we need to make that position permanent, transparent and accountable to Congress and the American people.

So, our proposal would create a Senate-confirmed White House cyber-security coordinator whose job would be to lead all federal cyber-security efforts; develop a national strategy—that incorporates all elements of cyberspace policy, including military, law enforcement, intelligence, and diplomatic; give policy advice to the President; and resolve interagency disputes.

The Director of the Office of Cyberspace Policy would oversee all related federal cyberspace activities to ensure efficiency and coordination and would report regularly to Congress to ensure transparency and oversight.

Our legislation also would create a National Center for Cybersecurity an Communications, NCCC, within the Department of Homeland Security, DHS, to elevate and strengthen the Department's cyber security capabilities and authorities. The NCCC would be run by a Senate-confirmed Director who would have the authority and resources to work with the rest of the Federal Government to protect public and private sector cyber networks.

DHS has shown that vulnerabilities in key private sector networks—like utilities and communications systems—could bring our economy to its knees if attacked or commandeered by a foreign power or cyber-terrorists. But other than pointing out a vulnerability, DHS has lacked the power to do anything about it. Our legislation would give DHS the authority to ensure that our nation's most critical infrastructure is protected from cyber attack.

Defense of our cyber networks will only be successful if industry and government work together, so this legislation sets up a collaborative process where the best ideas of the private sector and the government can be used to meet a baseline set of security requirements that DHS would oversee.

Specifically, the NCCC would work with the private sector to establish risk-based security requirements that strengthen the cyber security for the nation's most critical infrastructure, such as vital components of the electric grid, telecommunications networks, and financial sector that, if disrupted, would result in a national or regional catastrophe. Owners and operators of critical infrastructure covered under the act could choose which security measures to implement to meet these risk-based performance requirements. The act would provide some liability protections to owners/operators who demonstrate compliance with the new risk-based security requirements.

Covered critical infrastructure must also report significant breaches to the NCCC to ensure the federal government has a complete picture of the security of these networks. In return, the NCCC would share information, including threat analysis, with owners and operators regarding risks to their networks. The NCCC would also produce and

share useful warning, analysis, and threat information with other Federal agencies, State and local governments, and international partners.

To increase security across the private sector more broadly, the NCCC would collaborate with the private sector to develop best practices for cyber security. By promoting best practices and providing voluntary technical assistance as resources permit, the NCCC would help improve cyber security across the Nation. Information the private sector shares with the NCCC would be protected from public disclosure, and private sector owners and operators may obtain security clearances to access information necessary to protect the IT networks the American people depend upon.

Thanks to great work by Senator CARPER, our legislation would update the Federal Information Security Management Act—or FISMA—to require continuous monitoring and protection of our federal networks and do away with the paper-based reporting system that currently exists. The act also would codify and strengthen DHS authorities to establish0 complete situational awareness for Federal networks and develop tools to improve resilience of Federal Government systems and networks.

In the event of an attack—or threat of an attack—that could have catastrophic consequences to our economy, national security or public safety, our bill would give the President the authority to impose emergency measures on a select group of the most critical infrastructure to preserve their cyber networks and assets and protect our country and the American people. These emergency measures would automatically expire within 30 days unless the President ordered an extension.

These measures would be developed in consultation with the private sector and would apply if the President has credible evidence a cyber vulnerability is being exploited or is about to be exploited. If possible, the President must notify Congress in advance about the threat and the emergency measures that would be taken to mitigate it. Any emergency measures imposed must be the least disruptive necessary to respond to the threat. The bill does not authorize any new surveillance authorities, or permit the government to ''take over'' private networks.

Of course, DHS would need a lot of talented people to accomplish these missions, and our bill gives it the flexibility to recruit, hire, and retain the experts it would need to be successful. Our bill would require the Office of Personal Management to reform the way cyber security personnel are recruited, hired, and trained and would provide DHS with temporary hiring and pay flexibilities to assist in the quick establishment of the NCCC.

Finally, our legislation would require the Federal Government to develop and implement a strategy to ensure that almost $80 billion of the information technology products and services it purchases each year are secure and do not provide our adversaries with a backdoor into our networks.

More specifically, the act would require development of a comprehensive supply chain risk management strategy to address risks and threats to the information technology products and services the federal government relies upon. This strategy would allow agencies to make informed decisions when purchasing IT products and services. This provision would be implemented through the Federal Acquisition Regulation, requiring contracting officers to consider the security risks inherent in agency IT procurements. The value of this approach is that once security features are developed to protect federal networks, private sector customers may be able to purchase that same level of security in the products they buy.

The need for this legislation is both obvious and urgent.

A report by the bipartisan Center for Strategic and International Studies, CSIS, concluded that ''we face a long-term challenge in cyberspace from foreign intelligence agencies and militaries, criminals and others, and losing this struggle would wreak serious damage on the economic health and national security of the United States.''

Given these stakes, Senators COLLINS, CARPER, and I are confident our colleagues will join with us and pass the ''Protecting Cyberspace as a National Asset Act'' in the 110th Congress.

Ms. COLLINS. Mr. President, I rise to join Senators LIEBERMAN and CARPER in introducing the Protecting Cyberspace as a National Asset Act of 2010. This vital legislation would fortify the government's efforts to safeguard America's cyber networks from attack. It would build a public/private partnership to promote national cyber security priorities. It would strengthen the government's ability to set, monitor compliance with, and enforce standards and policies for securing Federal civilian systems and the sensitive information they contain.

The marriage of increasingly robust computer technology to expanding and nearly instantaneous global telecommunications networks is a truly seismic event in human history. This information revolution touches everything, from personal relationships and entertainment to commerce, scientific research, and the most sensitive national security information. Cyberspace is a place of great, even unparalleled, power.

But, to tweak the familiar saying, with great power comes great vulnerability. Cyberspace is under increasing assault on all fronts: cyber vandalism, cyber crime, cyber sabotage, and cyber espionage. Across the world at this moment, computer networks are being hacked, probed, and infiltrated relentlessly. The purpose of these cyber exploits ranges from simple mischief and massive theft to societal mayhem and geopolitical advantage.

In February, Dennis Blair, the former Director of National Intelligence, gave this chilling assessment before the Senate Select Committee on Intelligence:

''Malicious cyber activity is occurring on an unprecedented scale with extraordinary sophistication. While both the threats and technologies associated with cyberspace are dynamic, the existing balance in network technology favors malicious actors, and is likely to continue to do so for the foreseeable future.''

Consider these sobering facts:

Cyber crime costs our national economy nearly $8 billion annually.

Hackers can operate in relative safety and anonymity from a laptop or desktop anywhere in the world. The expanding capabilities of wireless handheld devices strengthen this cloak of cyber invisibility.

As our national and global economies become ever more intertwined, cyber terrorists have greater potential to attack high-value targets. From anywhere in the world, they could disrupt telecommunications systems, shut down electric power grids, or freeze financial markets. With sufficient know-how and a few keystrokes, they could cause billions of dollars in damage and put thousands of lives in jeopardy.

As the hackers' techniques advance, the number of hacking attempts is exploding. Just this March, the Senate's Sergeant at Arms reported that the computer systems of Congress and Executive Branch agencies now are under cyber attack an average of 1.8 billion times per month.

Recent examples of cyber attacks are myriad and disturbing:

Press reports a year ago stated that China and Russia had penetrated the computer systems of America's electrical grid. The hackers allegedly left behind malicious hidden software that could be activated later to disrupt the grid during a war or other national crisis.

At about the same time, we learned that, beginning in 2007 and continuing well into 2008, hackers repeatedly broke into the computer systems of the Pentagon's $300-billion Joint Strike Fighter project. They stole crucial information about the Defense Department's costliest weapons program ever.

In 2007, the country of Estonia was attacked in cyberspace. A 3-week onslaught of botnets overwhelmed the computer systems of the nation's parliament, government ministries, banks, telecommunications networks, and news organizations. This attack on Estonia is a wake-up call that has yet to be sufficiently heeded.

The private sector is also under attack. In January, Google announced that attacks originating in China had targeted its systems as well as the networks of more than 30 other companies. The attacks on Google sought to access the email accounts of Chinese

human rights activists. For the other companies, lucrative information, such as critical corporate data and software source codes, were targeted.

Last year, cyber thieves secretly implanted circuitry into keypads sold to British supermarkets, which were then used to steal account information and PIN numbers. This same tactic was used against a large supermarket chain in Maine, compromising more than 4 million credit cards.

Nor are small businesses immune. Last summer, a small Maine construction firm found that cyber crooks had stolen nearly $600,000 through an elaborate scheme involving dozens of coconspirators throughout the United States.

These attacks, and the hundreds like them that are occurring at any given time whether on our government or private sector systems, have ushered us into a new age of cyber crime and, indeed, cyber warfare. They underscore the high priority we must give to the security of our information technology systems.

The terrorist attacks of September 11, 2001, exposed the vulnerability of our nation to catastrophic attacks. Since that terrible day, we have done much to protect potential targets such as ports, chemical facilities, transportation systems, water supplies, government buildings, and other vital assets. We cannot afford to wait for a ''cyber 9/11'' before our government finally realizes the importance of protecting our digital resources, limiting our vulnerabilities, and mitigating the consequences of penetrations of our networks.

Chairman LIEBERMAN and I have held a number of hearings on cyber security in the Senate Homeland Security and Governmental Affairs Committee. Senator CARPER has been similarly active, particularly on exploring modifications to the Federal Information Security Management Act that are designed to enhance protections of Federal networks and information.

From our examinations of this issue, we know that there are threats to and vulnerabilities in our cyber networks. We also know that the tactics used to exploit these vulnerabilities are constantly evolving and growing increasingly dangerous. Now, it is time to take action. A strong and sustained Federal effort to promote cyber security is a key component of effective deterrence.

For too long, our approach to cyber security has been disjointed and uncoordinated. This cannot continue. The United States requires a comprehensive cyber security strategy backed by aggressive implementation of effective security measures. There must be strong coordination among law enforcement, intelligence agencies, the military, and the private owners and operators of critical infrastructure.

This bill would establish the essential point of coordination. The Office of Cyberspace Policy in the Executive Office of the President would be run by a Senate-confirmed Director who would advise the President on all cyber security matters. The Director would lead and harmonize Federal efforts to secure cyberspace and would develop a national strategy that incorporates all elements of cyber security policy, including military, law enforcement, intelligence, and diplomacy. The Director would oversee all Federal activities related to the national strategy to ensure efficiency and coordination. The Director would report regularly to Congress to ensure transparency and oversight.

To be clear, the White House official would not be another unaccountable czar. The Cyber Director would be a Senate-confirmed position and thus would testify before Congress. The important responsibilities given to the Director of the Office of Cyberspace Policy related to cybersecurity are similar to the responsibilities of the current Director of the Office of Science and Technology Policy.

The Cyber Director would advise the President and coordinate efforts across the Executive Branch to protect and improve our cybersecurity posture and communications networks. By working with a strong operational and tactical partner at the Department of Homeland Security, the Director would help improve the security of Federal and private sector networks.

This strong DHS partner would be the National Center for Cybersecurity and Communications, or Cyber Center. It would be located within the Department of Homeland Security to elevate and strengthen the Department's cyber security capabilities and authorities. This Center also would be led by a Senate-confirmed Director.

The Cyber Center, anchored at DHS, with a strong and empowered leader, will close the coordination gaps that currently exist in our disjointed federal cyber security efforts. For day-to-day operations, the Center would use the resources of DHS, and the Center Director would report directly to the Secretary of Homeland Security. On interagency matters related to the security of federal networks, the Director would regularly advise the President—a relationship similar to the Director of the NCTC on counterterrorism matters or the Chairman of the Joint Chiefs of Staff on military issues. These dual relationships would give the Center Director sufficient rank and stature to interact effectively with the heads of other departments and agencies, and with the private sector.

Congress has dealt with complex challenges involving the need for interagency coordination in the past with a similar construct. We have established strong leaders with supporting organizational structures to coordinate and implement action across agencies, while recognizing and respecting disparate agency missions.

The establishment of the National Counterterrorism Center within the Office of the Director of National Intelligence is a prime example of a successful reorganization that fused the missions of multiple agencies. The Director of NCTC is responsible for the strategic planning of joint counterterrorism operations, and in this role reports to the President. When implementing the information analysis, integration, and sharing mission of the Center, the Director reports to the Director of National Intelligence. These dual roles provide access to the President on strategic, interagency matters, yet provide NCTC with the structural support and resources of the office of the DNI to complete the day-to-day work of the NCTC. The DHS Cyber Center would replicate this successful model for cyber security.

As we have seen repeatedly, from the financial crisis to the environmental catastrophe in the Gulf of Mexico, what happens in the private sector does not always affect just the private sector. The ramifications for government and for the taxpayers often are enormous.

This bill would establish a public/private partnership to improve cyber security. Working collaboratively with the private sector, the Center would produce and share useful warning, analysis, and threat information with the private sector, other Federal agencies, international partners, and state and local governments. By developing and promoting best practices and providing voluntary technical assistance to the private sector, the Center would improve cyber security across the nation. Best practices developed by the Center would be based on collaboration and information sharing with the private sector. Information shared with the Center by the private sector would be protected.

With respect to the owners and operators of our most critical systems and assets, the bill would mandate compliance with certain risk-based performance requirements to close security gaps. These requirements would apply to vital components of the electric grid, telecommunications networks, financial systems, or other critical infrastructure systems that could cause a national or regional catastrophe if disrupted.

This approach would be similar to the current model that DHS employs with the chemical industry. Rather than setting specific standards, DHS would employ a risk-based approach to evaluating cyber vulnerabilities, and the owners and operators of covered critical infrastructure would develop a plan for protecting those vulnerabilities and mitigating the consequences of an attack.

These owners and operators would be able to choose which security measures to implement to meet applicable risk-based performance requirements. The bill does not authorize any new surveillance authorities or permit the government to ''take over'' private networks. This model would allow for continued

innovation and dynamism that are fundamental to the success of the IT sector.

The bill would provide limited liability protections to the owners and operators of covered critical infrastructure that comply with the new risk-based performance requirements. Covered critical infrastructure also would be required to report certain significant breaches affecting vital system functions to the center. These reports would help ensure that the Federal Government has comprehensive awareness of the security risks facing these critical networks.

If a cyber attack is imminent or occurring, the bill would provide a responsible framework, developed in coordination with the private sector, for the President to authorize emergency measures to protect the Nation's most critical infrastructure. The President would be required to notify Congress in advance of the declaration of a national cyber emergency, or as soon thereafter as possible. This notice would include the nature of the threat, the reason existing protective measures are insufficient to respond to the threat, and the emergency actions necessary to mitigate the threat. The emergency measures would be limited in duration and scope.

Any emergency actions directed by the President during the 30-day period covered by the declaration must be the least disruptive means feasible to respond to the threat. Liability protections would apply to owners and operators required to implement these measures, and if other mitigation options were available, owners and operators could propose those alternative measures to the Director and, once approved, implement those in lieu of the mandatory emergency measures.

The center also would share information, including threat analysis, with owners and operators of critical infrastructure regarding risks affecting the security of their sectors. The center would work with sector-specific agencies and other Federal agencies with existing regulatory authority to avoid duplication of requirements, to use existing expertise, and to ensure government resources are employed in the most efficient and effective manner.

With regard to Federal networks, the Federal Information Security Management Act—known as FISMA—gives the Office of Management and Budget broad authority to oversee agency information security measures. In practice, however, FISMA is frequently criticized as a ''paperwork exercise'' that offers little real security and leads to a disjointed cyber security regime in which each Federal agency haphazardly implements its own security measures.

The bill we introduce today would transform FISMA from paper-based to real-time responses. It would codify and strengthen DHS authorities to establish complete situational awareness for Federal networks and develop tools to improve resilience of Federal Government systems and networks.

The legislation also would take advantage of the Federal Government's massive purchasing power to help bring heightened cyber security standards to the marketplace. Specifically, the Director of the Center would be charged with developing a supply chain risk management strategy applicable to Federal procurements. This strategy would emphasize the security of information systems from development to acquisition and throughout their operational life cycle.

While the Director should not be responsible for micromanaging individual procurements or directing investments, we have seen far too often that security is not a primary concern when agencies procure their IT systems. Recommending security investments to OMB and providing strategic guidance on security enhancements early in the development and acquisition process will help ''bake in'' security. Cyber security can no longer be an afterthought in our government agencies.

These improvements in Federal acquisition policy should have beneficial ripple effects in the larger commercial market. As a large customer, the Federal Government can contract with companies to innovate and improve the security of their IT services and products. With the Government's vast purchasing power, these innovations can establish new security baselines for services and products offered to the private sector and the general public.

Finally, the legislation would direct the Office of Personnel Management to reform the way cyber security personnel are recruited, hired, and trained to ensure that the Federal Government and the private sector have the talent necessary to lead this national effort and protect its own networks. The bill would also provide DHS with temporary hiring and pay flexibilities to assist in the establishment of the center.

Some have suggested that this effort can be led from the White House alone—why create a new center at DHS and two Senate-confirmed Director positions? One of the great lessons of 9/11 is that true security demands aggressive oversight, expert evaluation, and thorough testing of systems. There must be constant, real-time monitoring of security and analysis of threats. This task requires much more than a cyber czar. It requires strong civilian counterparts to the Secretary of Defense and the Director of National Intelligence. These Directors, at the White House and at DHS, would serve as those counterparts.

The National Security Agency and other intelligence agencies possess enormous skills and resources, but privacy and civil liberties demands preclude these agencies from shouldering a leadership role in the security of our civilian information technology systems. The intelligence community must play a critical part in providing threat information, but it cannot lead the cyber security effort.

We are all acutely aware that there are those who seek to do harm to this country and to our people. If hackers can nearly bring Estonia to its knees through cyber attacks, infiltrate our military's most closely-guarded project, and, in the case of Google, hack the computers owned and operated by some of the world's most successful computer experts, we must assume even more spectacular and potentially devastating attacks lie ahead.

We must be ready. It is vitally important that we build a strong public-private partnership to protect cyberspace. It is a vital engine of our economy, our government, our country and our future. I urge my colleagues to support this crucial legislation.

By Mr. CARDIN:

S. 3481. A bill to amend the Federal Water Pollution Control Act to clarify Federal responsibility for stormwater pollution; to the Committee on Environment and Public Works.

Mr. CARDIN. Mr. President, in recent weeks the issue of polluted stormwater runoff from federal properties has again gained significant attention. I continue to have grave concerns about the failure of the Federal Government to pay localities for reasonable costs associated with the control and abatement of pollution that is originating on its properties. At stake is a fundamental issue of equity: polluters should be financially responsible for the pollution that they cause. That includes the Federal Government.

Today I am introducing legislation that makes it clear. Uncle Sam must pay his bills just like every other American.

Annually hundreds of thousands of pounds of pollutants wash off the hardened surfaces in urban areas and into local rivers and streams, threatening the health of our citizens and causing significant environmental degradation. A one-acre parking lot produces about 16 times the volume of runoff that comes from a one-acre meadow. These pollutants include heavy metals, nitrogen and phosphorous, oil and grease, pesticides, bacteria, including deadly e. coli, sediment, toxic chemicals, and debris. Indeed, stormwater runoff is the largest source sector for many imperiled bodies of water across the country. According to the Environmental Protection Agency, stormwater pollution affects all types of water bodies including in order of severity; ocean shoreline, estuaries such as the Chesapeake Bay, Great Lakes shorelines, lakes and rivers. Degraded aquatic habitats are found everywhere that stormwater enters local waterways.

On October 5, 2009, President Obama issued a Federal Executive order on sustainability which set goals for Federal agencies and focused on making improvements in their environmental, energy and economic performance.

Among other requirements, the order specifically requires the implementation of the stormwater provisions of the Energy Independence and Security Act of 2007, section 438.

I am the author of that provision, which requires the Federal Government to maintain the predevelopment hydrology ''to the maximum extent practicable'' of all new building sites or major renovations. This requirement echoed the provision in the President's Chesapeake Bay Protection and Restoration Executive Order issued on May 12, 2009. In the final Strategy for Protecting and Restoring the Chesapeake Bay Watershed, issued on the one-year anniversary of the Executive Order, each Federal agency is being called upon to implement ''the stormwater requirements for new development and redevelopment in Section 438 of the Energy Independence and Security Act. . .'' (pp. 33–34). These parallel Federal stormwater management requirements are explicit recognition of the importance of controlling and managing stormwater pollution from Federal properties.

As EPA requires more communities to address stormwater pollution through Clean Water Act required Municipal Separate Storm Sewer System permits, these communities are responding with a variety of fee-based management systems that will allow them to mitigate, manage and prevent this type of pollution.

The EPA requires National Pollution Discharge Elimination Permits for large communities. The President has issued two Executive Orders that directly note the need to address this type of pollution ''to the maximum extent practicable.'' Clearly, these actions demonstrate that the administration recognizes the importance of dealing adequately with stormwater pollution.

I believe that this administration recognizes its responsibility to manage the stormwater pollution that comes off Federal properties. But that responsibility needs to translate into payments to the local governments that are forced to deal with this pollution. That commitment needs to be more than an Executive order. Adopting the legislation that I am introducing today will remove all ambiguity about the responsibility of the Federal Government to pay these normal and customary stormwater fees.

This is a matter of basic equity. I call upon all of my colleagues to join me in supporting this simple legislative remedy.

Mr. President, I ask unanimous consent that the text of the bill he printed in the RECORD.

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

S. 3481

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FEDERAL RESPONSIBILITY FOR STORMWATER POLLUTION.

Section 313 of the Federal Water Pollution Control Act (33 U.S.C. 1323) is amended by adding at the end the following:

''(c) FEDERAL RESPONSIBILITY FOR STORMWATER POLLUTION.—Reasonable service charges described in subsection (a) include reasonable fees or assessments made for the purpose of stormwater management in the same manner and to the same extent as any nongovernmental entity.

''(d) NO TREATMENT AS TAX OR LEVY.—A fee or assessment described in this section—

''(1) shall not be considered to be a tax or other levy subject to an assertion of sovereign immunity; and

''(2) may be paid using appropriated funds.''.

By Mr. REID:

S. 3482. A bill to provide for the development of solar pilot project areas on public land in Lincoln County, Nevada; to the Committee on Energy and Natural Resources.

Mr. REID. Mr. President, today I rise to introduce the American Solar Energy Pilot Leasing Act of 2010. Solar energy development is a critical factor in creating jobs and making the United States energy independent. This legislation will provide a pilot program for the Department of the Interior to develop a solar leasing program in Nevada.

The Secretary of the Interior, though the Bureau of Land Management, BLM, is currently developing a west wide solar energy program based on existing laws and regulations. The BLM, however, does not currently have the legal authority to lease public lands for solar development. This bill will establish, in Lincoln County, the first Federal solar leasing program in the U.S., which will serve as a pilot project for the Department of the Interior in order to guide development of solar leasing throughout the west in the years to come.

The American Solar Energy Pilot Leasing Act designates two solar development zones in Lincoln County for commercial solar energy development. The 10,945 acre Dry Lake zone and the 2,845 acre Delamar Valley zone are within high solar potential areas identified by the BLM and were selected by Lincoln County based on extensive public input. Since the solar zones border the Southwest Intertie Project, SWIP, transmission corridor, these projects will create the opportunity for southern Nevada and California to tap directly into Lincoln County's abundant renewable power resources.

Our bill directs the agency to consult with the County and local stakeholders before offering both parcels for lease not more than 60 days after the bill becomes law. In order to ensure efficient and wise development throughout the west, the BLM is also directed to establish diligent development requirements to ensure leased areas are efficiently developed and to promulgate regulations to guide development of the burgeoning solar leasing program.

The act directs the BLM to set a royalty rate at a level that will encourage efficient production of solar energy and ensure a fair return to the public for the necessary development of the public lands. As part of this program, the BLM is given the flexibility to charge a lower royalty, or even no royalty, for up to five years after energy generation begins as an incentive to promote the maximum generation of solar energy.

Royalties and fees from these solar leasing pilot projects will be disbursed into four accounts. Thirty-five percent will be deposited into the Renewable Energy Mitigation Fish and Wildlife Fund—established by this act to protect and restore wildlife and their habitat and to implement the Land and Water Conservation Fund in Nevada. The State of Nevada and Lincoln County will each receive 25 percent of the collected royalties and fees. The last 15 percent will be directed to the BLM to fund renewable energy permit processing over the next 10 years. At the end of that 10-year period, this 15 percent will be directed to the Renewable Energy Mitigation Fish and Wildlife Fund, in addition to the 35 percent initially set aside for this account.

As you know, I have been a longtime champion for the development of clean, renewable energy resources. Nevada has unparalleled potential for solar energy development and is poised to lead our Nation in clean energy development and innovation. This is a significant step toward moving our country away from dirty fossil fuels and creating a new job market in the west. The model established by this legislation will also reinvest a responsible portion of the royalties and fees from solar energy development into the states and rural communities whose land is being used to power our Nation.

I would like to thank Lincoln County and a great number of sportsmen, ranchers, and conservationists who have helped us shape this legislation. I am pleased to bring this bill to the committee and I look forward to working with Chairman BINGAMAN, Ranking Member MURKOWSKI and the other distinguished members to move this bill through the legislative process.

Mr. President, I ask for unanimous consent that the text of the bill be printed in the RECORD.

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

S. 3482

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''American Solar Energy Pilot Leasing Act of 2010''.

SEC. 2. DEFINITIONS.

In this Act:

(1) COUNTY.—The term ''County'' means Lincoln County, Nevada.

(2) FEDERAL LAND.—The term ''Federal land'' means any of the Federal land in the State under the administrative jurisdiction of the Bureau of Land Management that is identified as a ''solar development zone'' on the maps.

(3) FUND.—The term ''Fund'' means the Renewable Energy Mitigation and Fish and Wildlife Fund established by section 3(d)(5)(A).

(4) MAP.—The term ''map'' means each of—

(A) the map entitled ''Dry Lake Valley Solar Development Zone'' and dated May 25, 2010; and

(B) the map entitled ''Delamar Valley Solar Development Zone'' and dated May 25, 2010.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

(6) STATE.—The term ''State'' means the State of Nevada.

SEC. 3. DEVELOPMENT OF SOLAR PILOT PROJECT AREAS ON PUBLIC LAND IN LINCOLN COUNTY, NEVADA.

(a) DESIGNATION.—In accordance with sections 201 and 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1711, 1712) and subject to valid existing rights, the Secretary shall designate the Federal land as a solar pilot project area.

(b) APPLICABLE LAW.—The designation of the solar pilot project area under subsection (a) shall be subject to the requirements of—

(1) this Act;

(2) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(3) any other applicable law (including regulations).

(c) SOLAR LEASE SALES.—

(1) IN GENERAL.—The Secretary shall conduct lease sales and issue leases for commercial solar energy development on the Federal land, in accordance with this subsection.

(2) DEADLINE FOR LEASE SALES.—Not later than 60 days after the date of enactment of this Act, the Secretary, after consulting with affected governments and other stakeholders, shall conduct lease sales for the Federal land.

(3) EASEMENTS, SPECIAL-USE PERMITS, AND RIGHTS-OF-WAY.—Except for the temporary placement and operation of testing or data collection devices, as the Secretary determines to be appropriate, and the rights-of-way granted under section 301(b)(1) of the Lincoln County Conservation, Recreation, and Development Act of 2004 (Public Law 108–424; 118 Stat. 2413) and BLM Case File N–78803, no new easements, special-use permits, or rights-of-way shall be allowed on the Federal land during the period beginning on the date of enactment of this Act and ending on the date of the issuance of a lease for the Federal land.

(4) DILIGENT DEVELOPMENT REQUIREMENTS.—In issuing a lease under this subsection, the Secretary shall include work requirements and mandatory milestones—

(A) to ensure that diligent development is carried out under the lease; and

(B) to reduce speculative behavior.

(5) LAND MANAGEMENT.—The Secretary shall—

(A) establish the duration of leases issued under this subsection;

(B) include provisions in the lease requiring the holder of a lease granted under this subsection—

(i) to furnish a reclamation bond or other form of security determined to be appropriate by the Secretary;

(ii) on completion of the activities authorized by the lease—

(I) to restore the Federal land that is subject to the lease to the condition in which the Federal land existed before the lease was granted; or

(II) to conduct mitigation activities if restoration of the land to the condition described in subclause (I) is impracticable; and

(iii) to comply with such other requirements as the Secretary considers necessary to protect the interests of the public and the United States; and

(C)(i) establish best management practices to ensure the sound, efficient, and environmentally responsible development of solar resources on the Federal land in a manner that would avoid, minimize, and mitigate actual and anticipated impacts to habitat and ecosystem function resulting from the development; and

(ii) include provisions in the lease requiring renewable energy operators to comply with the practices established under clause (i).

(d) ROYALTIES.—

(1) IN GENERAL.—The Secretary shall establish royalties, fees, rentals, bonuses, and any other payments the Secretary determines to be appropriate to ensure a fair return to the United States for any lease issued under this section.

(2) RATE.—Any lease issued under this section shall require the payment of a royalty established by the Secretary by regulation in an amount that is equal to a percentage of the gross proceeds from the sale of electricity at a rate that—

(A) encourages production of solar energy;

(B) ensures a fair return to the public comparable to the return that would be obtained on State and private land; and

(C) encourages the maximum energy generation practicable using the least amount of land and other natural resources, including water.

(3) ROYALTY RELIEF.—To promote the maximum generation of renewable energy, the Secretary may provide that no royalty or a reduced royalty is required under a lease for a period not to exceed 5 years beginning on the date on which generation is initially commenced on the Federal land subject to the lease.

(4) DISPOSITION OF PROCEEDS.—

(A) IN GENERAL.—Of the amounts collected as royalties, fees, rentals, bonuses, or other payments under a lease issued under this section—

(i) 25 percent shall be paid by the Secretary of the Treasury to the State within the boundaries of which the income is derived;

(ii) 25 percent shall be paid by the Secretary of the Treasury to the 1 or more counties within the boundaries of which the income is derived;

(iii) 15 percent shall—

(I) for the period beginning on the date of enactment of this Act and ending on the date specified in subclause (II), be deposited in the Treasury of the United States to help facilitate the processing of renewable energy permits by the Bureau of Land Management in the State, subject to subparagraph (B)(i)(I); and

(II) beginning on the date that is 10 years after the date of enactment of this Act, be deposited in the Fund; and

(iv) 35 percent shall be deposited in the Fund.

(B) LIMITATIONS.—

(i) RENEWABLE ENERGY PERMITS.—For purposes of subclause (I) of subparagraph (A)(iii)—

(I) not more than $10,000,000 shall be deposited in the Treasury at any 1 time under that subclause; and

(II) the following shall be deposited in the Fund:

(aa) Any amounts collected under that subclause that are not obligated by the date specified in subparagraph (A)(iii)(II).

(bb) Any amounts that exceed the $10,000,000 deposit limit under subclause (I).

(ii) FUND.—Any amounts deposited in the Fund under clause (i)(II) or subparagraph (A)(iii)(II) shall be in addition to amounts deposited in the Fund under subparagraph (A)(iv).

(5) RENEWABLE ENERGY MITIGATION AND FISH AND WILDLIFE FUND.—

(A) ESTABLISHMENT.—There is established in the Treasury of the United States a fund, to be known as the ''Renewable Energy Mitigation and Fish and Wildlife Fund'', to be administered by the Secretary, for use in the State.

(B) USE OF FUNDS.—Amounts in the Fund shall be available to the Secretary, who may make the amounts available to the State or other interested parties for the purposes of—

(i) mitigating impacts of renewable energy on public land, with priority given to land affected by the solar development zones designated under this Act, including—

(I) protecting wildlife corridors and other sensitive land; and

(II) fish and wildlife habitat restoration; and

(ii) carrying out activities authorized under the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-4 et seq.) in the State.

(C) AVAILABILITY OF AMOUNTS.—Amounts in the Fund shall be available for expenditure, in accordance with this paragraph, without further appropriation, and without fiscal year limitation.

(D) INVESTMENT OF FUND.—

(i) IN GENERAL.—Any amounts deposited in the Fund shall earn interest in an amount determined by the Secretary of the Treasury on the basis of the current average market yield on outstanding marketable obligations of the United States of comparable maturities.

(ii) USE.—Any interest earned under clause (i) may be expended in accordance with this paragraph.

(e) PRIORITY DEVELOPMENT.—

(1) IN GENERAL.—Within the County, the Secretary shall give highest priority consideration to implementation of the solar lease sales provided for under this Act.

(2) EVALUATION.—The Secretary shall evaluate other solar development proposals in the County not provided for under this Act in consultation with the State, County, and other interested stakeholders.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 549—CONGRATULATING THE CHICAGO BLACKHAWKS ON WINNING THE 2010 STANLEY CUP

Mr. DURBIN (for himself and Mr. BURRIS) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 549

Whereas, on June 9, 2010, the Chicago Blackhawks hockey team won the Stanley Cup;

Whereas the 2010 Stanley Cup win is the first Stanley Cup win for the Blackhawks since 1961, when John F. Kennedy was president and the Peace Corps was first established;

Whereas the Blackhawks joined the National Hockey League in 1926 and have a rich history in the League;

Whereas the Blackhawks were 1 of the original 6 teams in the National Hockey League;

Whereas, during a very difficult period for the National Hockey League, the Blackhawks remained a strong and competitive team, winning the Stanley Cup in 1934, 1938, and 1961;

Whereas the Stanley Cup championship appearance in 2010 is the first for the Blackhawks since 1992;

Whereas the Blackhawks posted a regular season record of 52–22–8, and the team dominated opponents during the playoffs, with 12 wins and only 4 losses, including a sweep of the number 1-seeded San Jose Sharks to win the Western Conference championship and advance to the Stanley Cup finals;

Whereas General Manager Stan Bowman, Head Coach Joel Quenneville, President John F. McDonough, and owner Rocky Wirtz have put together and led a great organization;

Whereas several Blackhawks players competed in the Olympic games and faithfully returned to the Blackhawks to help secure a championship, including—

(1) Patrick Kane, who played for the United States;

(2) Jonathan Toews, Brent Seabrook, and Duncan Keith, who played for Canada; and

(3) Tomas Kopecky and Marian Hossa, who played for Slovakia;

Whereas all 34 active players, whose shared goal was to end the 49-year championship drought, collectively contributed to a victorious season, including Kyle Beach, Bryan Bickell, Dave Bolland, Nick Boynton, Troy Brouwer, Adam Burish, Dustin Byfuglien, Brian Campbell, Brian Connelly, Corey Crawford, Jassen Cullimore, Jake Dowell, Ben Eager, Colin Fraser, Jordan Hendry, Niklas Hjalmarsson, Marian Hossa, Cristobal Huet, Kim Johnsson, Patrick Kane, Duncan Keith, Tomas Kopecky, Andrew Ladd, Shawn Lalonde, John Madden, Antti Niemi, Danny Richmond, Brent Seabrook, Patrick Sharp, Jack Skille, Brent Sopel, Jonathan Toews, Hannu Toivonen, and Kris Versteeg;

Whereas the 2010 Blackhawks players follow in the giant footsteps of the great players in Blackhawk history who have had their numbers retired, including Glenn Hall (#1), Keith Magnuson (#3), Pierre Pilote (#3), Bobby Hull (#9), Denis Savard (#18), Stan Mikita (#21), and Tony Esposito (#35);

Whereas the city of Chicago welcomes the first championship in the city in 5 years with open arms;

Whereas a new generation of young fans in Chicago and around the State of Illinois are discovering the joy of championship hockey; and

Whereas the Nashville Predators, Vancouver Canucks, San Jose Sharks, and the Philadelphia Flyers proved to be worthy and honorable adversaries and also deserve recognition: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Chicago Blackhawks on winning the 2010 Stanley Cup;

(2) commends the fans, players, and management of the Philadelphia Flyers for allowing the Chicago Blackhawks and the many supporters of the Chicago Blackhawks to celebrate the first Stanley Cup win for the team in 49 years at the Wachovia Center, the arena of the Philadelphia Flyers; and

(3) respectfully directs the Enrolling Clerk of the Senate to transmit an enrolled copy of this resolution to—

(A) the 2010 Chicago Blackhawks hockey organization; and

(B) the Blackhawks owner Rocky Wirtz.

Mr. DURBIN. Mr. President, Chicago has its cold days, and icy sidewalks in the winter. But this year's winter proved to be the right opportunity for the perfect conditions for Illinois' most recently acclaimed sons and daughters, the Chicago Blackhawks hockey team, which won the Stanley Cup last night in Philadelphia.

The city of Chicago and State of Illinois have some of the best sports fans in America, particularly when it comes to hockey. Last night the fans received their reward as they watched Towes, the youngest captain in the National Hockey League at age 22, hoist the Stanley Cup over his head as the team ended a 49-year drought and again became the National Hockey League champions; 49 years, and now champions again.

It gives us Cubs fans hope. The fight song of the team begins, ''Here come the hawks, the mighty Blackhawks.'' The team lived up to that song last night as they defeated the Philadelphia Flyers and in a hard-fought game in overtime in the sixth game of the series. An amazing end to a great season. Just over 4 minutes and 6 seconds into the overtime, 2010 Olympian Patrick Kane scored with an amazing shot you have to see to believe. His efforts were matched by goals from teammates Dustin Byfuglien, Patrick Sharp, Andrew Ladd, and 21 saves by the fabulous goal tender Antti Niemi.

The last time the Blackhawks won the Stanley Cup was 1961. John Kennedy was President. They also won that cup in six games with the assistance of hockey legends Bobby Hull, Stan Mikita, and Murray Balfour. Who can forget those legendary players?

This is the fourth Stanley Cup win for a team with a rich hockey history that began in 1926. Today we celebrate the players who will be tomorrow's legends. This achievement was not achieved without the hard work and determination on the part of the team, the front office, and those incredible players.

I congratulate their coach, Joel Quenneville, on his unbelievable 2-year run in leading the team to victory; also to team president John McDonough who brought new life to the Chicago Blackhawks, and the city of Chicago, and owner Rocky Wirtz, maybe the only major sports owner in America who is cheered wildly whenever his name is mentioned at a game. He assembled a strong office team that developed the Blackhawks into champions. This victory was the result of the exceptional gamesmanship of all of the players and all of the work from the staff and the assistance and encouragement from owners and fans.

I congratulate all of them for this remarkable achievement. I am proud to have the Blackhawks in my State of Illinois. Illinois sports fans have developed patience when it comes to their teams, and truly great things can come to those who wait.

With two Illinois teams earning national championships in 5 years—that is the Chicago White Sox and the Chicago Blackhawks—our fans can celebrate the recent triumphs and hope for many years to come.

Now I have a resolution that I have sent to the desk. It is working its way through the Senate, and we are hopeful that before the end of this session, with the bipartisan cooperation of cheering for these new Stanley Cup champions, we will be able to enact this resolution and send it off so tomorrow's victory parade and rally will be complete. I know they are waiting anxiously for the receipt of the Senate resolution. So I hope we can get this done this evening.

Mr. BURRIS. Last night, and well into this morning, the sounds of celebration rang through the streets of Chicago.

Throughout the city, a proud anthem was sung, an anthem which begins:

Here come the Hawks—the mighty Blackhawks.

Many consider the Stanley Cup to be the most difficult trophy to win in all of professional sports.

But last night, thanks to an extraordinary Blackhawks team, the historic Stanley Cup has returned to Chicago for the first time in nearly half a century.

This incredible season caps an impressive renaissance for one of the National Hockey League's oldest and most storied franchises.

When Rocky Wirtz took the helm of this organization following the loss of his father, longtime Blackhawks owner Bill Wirtz, he moved aggressively to restore his team to excellence.

He reached out to the Chicago community, which comprises some of the greatest sports fans in the world.

He brought fresh talent to the team's roster and coaching staff, and partnered with Chicago institutions like WGN–TV to bring hockey to a wider audience.

As a result, he was able to catch lightning in a bottle, and set his team on the path to a truly historic season.

From the very beginning of this year, every Hawks fan could tell that this team showed some real promise.

Time and again, they battled adversity and overcame it.

Time and again they were tested, but in each successive game, they laced up their skates and took to the ice with growing confidence and a fiery will to win.

Finally, after a dominant regular season and an outstanding showing against playoff opponents, only the Philadelphia Flyers stood between them and their first national title in 49 years.

There is no question that both of these teams deserved to be in contention for the Stanley Cup.

There is little doubt that these fine athletes, from Philadelphia and Chicago, are among the very best in the sport of hockey.

So it was no surprise that this year's Stanley Cup Finals proved to be an exciting and hard-fought series of games.

I congratulate the Flyers and their fans on an outstanding season, and I applaud their sportsmanship throughout the year. They played with grit and determination, right up to the very last moment.

But in the end, there can be only one champion.

And last night, in a thrilling overtime performance that brought the city of Philadelphia to a standstill and the City of Chicago to its feet, the

Blackhawks indisputably won the Stanley Cup.

That is why I am proud to join my good friend Senator DURBIN to introduce a Senate Resolution in honor of this team.

And I ask my colleagues to join with us in celebrating this remarkable achievement.

I congratulate the owners, the entire coaching staff, and every member of the Blackhawks organization.

And I applaud each and every athlete who took part in this incredible victory.

Their names are etched forever into Chicago sports history, just as they will soon be etched into the Stanley Cup Trophy itself.

Finally, I would like to congratulate the people of Chicago, and Blackhawks fans all over the country, who have kept the faith for 49 years, never doubting that greatness would one day return to their hockey team.

I got married in 1961. That is the last time they won the Stanley cup.

Their day has finally come, and this championship belongs to them.

I am proud to join them in celebration, and I am eager to see the Stanley Cup on display back home in Chicago, right where it belongs.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. BROWN of Massachusetts. I certainly want to offer my congratulations to the city of Chicago. Being from Massachusetts, having the World Champion Red Sox, Celtics, New England Patriots, Bruins, New England Revolution, I can certainly appreciate the victory that was brought to the city of Chicago. Certainly when the President has them to the White House, I am hoping he will offer the same courtesy to the NCAA Champion Boston College mens' hockey team as well.

SENATE RESOLUTION 550—DESIGNATING THE WEEK BEGINNING ON JUNE 14, 2010, AND ENDING ON JUNE 18, 2010, AS ''NATIONAL HEALTH INFORMATION TECHNOLOGY WEEK'' TO RECOGNIZE THE VALUE OF HEALTH INFORMATION TECHNOLOGY TO IMPROVING HEALTH QUALITY

Ms. STABENOW (for herself and Ms. SNOWE) submitted the following resolution; which was considered and agreed to:

S. RES. 550

Whereas the Healthcare Information and Management Systems Society has collaborated with more than 5 dozen healthcare organizations for almost 50 years to transform health care by improving information technology and management systems;

Whereas the Center for Information Technology Leadership estimates that the implementation of national standards for interoperability and the exchange of health information would save the United States approximately $77,000,000,000 in expenses relating to health care each year;

Whereas health care information technology and management systems have been recognized as essential tools for improving the quality and cost efficiency of the health care system;

Whereas Congress has made a commitment to leveraging the benefits of the health care information technology and management systems, including through the adoption of electronic medical records that will help to reduce costs and improve quality while ensuring privacy of patients and codification of the Office of the National Coordinator for Health Information Technology;

Whereas Congress has emphasized improving the quality and safety of delivery of health care in the United States; and

Whereas since 2006, organizations across the United States have united to support National Health Information Technology Week to improve public awareness of the benefits of improved quality and cost efficiency of the health care system that the implementation of health information technology could achieve: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning on June 14, 2010, and ending on June 18, 2010, as ''National Health Information Technology Week'';

(2) recognizes the value of information technology and management systems in transforming health care for the people of the United States; and

(3) calls on all interested parties to promote the use of information technology and management systems to transform the health care system in the United States.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4334. Mr. ISAKSON (for himself, Mr. DODD, and Mr. REID) submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table.

SA 4335. Mr. NELSON of Florida (for himself, Ms. LANDRIEU, Mr. LEMIEUX, Mr. VITTER, Mr. SHELBY, Mr. WICKER, Mr. COCHRAN, and Mr. SCHUMER) submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 4336. Mr. GRASSLEY (for himself, Mr. ROBERTS, Mr. CRAPO, Mr. NELSON of Nebraska, Mr. HATCH, and Mr. BROWNBACK) submitted an amendment intended to be proposed by him to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 4337. Ms. KLOBUCHAR (for herself and Mr. DORGAN) submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 4338. Mr. WICKER (for himself, Ms. LANDRIEU, Mr. COCHRAN, and Mr. VITTER) submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 4339. Mr. DORGAN (for Mr. ROCKEFELLER) proposed an amendment to the bill H.R. 3360, to amend title 46, United States Code, to establish requirements to ensure the security and safety of passengers and crew on cruise vessels, and for other purposes.

SA 4340. Mr. LEVIN (for himself, Mr. KAUFMAN, Mr. NELSON of Florida, Mrs. SHAHEEN, Mrs. MCCASKILL, Mr. WHITEHOUSE, and Mr. REED) submitted an amendment intended to be proposed by him to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table.

SA 4341. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 4342. Ms. SNOWE (for herself, Mr. ENZI, and Mr. ENSIGN) submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4334. Mr. ISAKSON (for himself, Mr. DODD, and Mr. REID) submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end of part I of subtitle B of title II, insert the following:

SEC. —. FIRST-TIME HOMEBUYER CREDIT.

(a) IN GENERAL.—Paragraph (2) of section 36(h) is amended by striking ''paragraph (1) shall be applied by substituting 'July 1, 2010'.'' and inserting ''and who purchases such residence before October 1, 2010, paragraph (1) shall be applied by substituting 'October 1, 2010'.''.

(b) CONFORMING AMENDMENT.—Subparagraph (B) of section 36(h)(3) is amended by inserting ''and for 'October 1, 2010'.'' after ''for 'July 1, 2010'.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to residences purchased after June 30, 2010.

SA 4335. Mr. NELSON of Florida (for himself, Ms. LANDRIEU, Mr. LEMIEUX, Mr. VITTER, Mr. SHELBY, Mr. WICKER, Mr. COCHRAN, and Mr. SCHUMER) submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VI, add the following:

SEC. _____. 5-YEAR NET OPERATING LOSS CARRYBACK FOR CERTAIN OIL SPILL-RELATED LOSSES.

(a) EXTENSION OF NET OPERATING LOSS CARRYBACK PERIOD.—Paragraph (1) of section 172(b) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

''(K) CERTAIN OIL SPILL-RELATED LOSSES.—In the case of a taxpayer which has a qualified oil spill loss (as defined in subsection (k)) for a taxable year, such qualified oil spill loss shall be a net operating loss carryback to each of the 5 taxable years preceding the taxable year of such loss.''.

(b) QUALIFIED OIL SPILL LOSS.—Section 172 of the Internal Revenue Code of 1986 is amended by redesignating subsection (k) as subsection (l) and by inserting after subsection (j) the following new subsection:

''(k) RULES RELATING TO QUALIFIED OIL SPILL LOSSES.—For purposes of this section—

''(1) QUALIFIED OIL SPILL LOSSES.—

''(A) IN GENERAL.—Except as otherwise provided in this paragraph, the term 'qualified oil spill loss' means the lesser of—

''(i) the excess of—

''(I) the amount of losses in a taxable year ending after April 20, 2010, and before October 1, 2011, incurred by a commercial or charter fishing business operating in the Gulf of Mexico or a Gulf of Mexico tourism-related business attributable to the discharge of oil that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon, over

''(II) amounts received during such taxable year as payments for lost profits and earning capacity under section 1002(b)(2)(E) of the Oil Pollution Act of 1990 (33 U.S.C. 2702(b)(2)(E)), or

''(ii) the amount of the net operating loss for such taxable year.

''(B) SAFE HARBOR FOR CERTAIN SMALL BUSINESSES.—In the case of—

''(i) any commercial or charter fishing business operating in the Gulf of Mexico, or

''(ii) any Gulf of Mexico tourism-related business,

the gross revenues of which for any taxable year ending after April 20, 2010, and before October 1, 2011, do not exceed $5,000,000, such term means the amount of the net operating loss of such business for such taxable year.

''(C) COORDINATION WITH QUALIFIED DISASTER LOSSES.—Such term shall not include any qualified disaster loss (as defined in subsection (j)).

''(2) COORDINATION WITH SUBSECTION (b)(2).—For purposes of applying subsection (b)(2), a qualified oil spill loss for any taxable year shall be treated in a manner similar to the manner in which a specified liability loss is treated.

''(3) ELECTION.—Any taxpayer entitled to a 5-year carryback under subsection (b)(1)(K) from any loss year may elect to have the carryback period with respect to such loss year determined without regard to subsection (b)(1)(K). Such election shall be made in such manner as may be prescribed by the Secretary and shall be made by the due date (including extensions of time) for filing the taxpayer's return for the taxable year of the net operating loss. Such election, once made for any taxable year, shall be irrevocable for such taxable year.

''(4) GULF OF MEXICO TOURISM-RELATED BUSINESS.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'Gulf of Mexico tourism-related business' means a hotel, lodging, recreation, entertainment, or restaurant business located in a Gulf Coast community.

''(B) GULF COAST COMMUNITY.—The term 'Gulf Coast community' means any county or parish in the States of Louisiana, Mississippi, Alabama, or Florida which borders the Gulf of Mexico.''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to net operating losses arising in taxable years ending after April 20, 2010.

(2) TRANSITION RULE.—In the case of a net operating loss for a taxable year ending before the date of the enactment of this Act—

(A) notwithstanding section 172(b)(1)(H)(iii)(II), any election made under subsection (b)(1)(H) or 172(b)(3) of section 172 of such Code with respect to such loss may (notwithstanding such section) be revoked before the applicable date,

(B) any election made under section 172(b)(1)(K) of such Code with respect to such loss shall (notwithstanding such section) be treated as timely made if made before the applicable date, and

(C) any application under section 6411(a) of such Code with respect to such loss shall be treated as timely filed if filed before the applicable date.

For purposes of this paragraph, the term ''applicable date'' means the date which is 60 days after the date of the enactment of this Act.

SA 4336. Mr. GRASSLEY (for himself, Mr. ROBERTS, Mr. CRAPO, Mr. NELSON of Nebraska, Mr. HATCH, and Mr. BROWNBACK) submitted an amendment intended to be proposed by him to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE VIII—SMALL BUSINESS PENALTY FAIRNESS

SEC. 801. LIMITATION ON PENALTY FOR FAILURE TO DISCLOSE REPORTABLE TRANSACTIONS BASED ON RESULTING TAX BENEFITS.

(a) IN GENERAL.—Subsection (b) of section 6707A of the Internal Revenue Code of 1986 is amended to read as follows:

''(b) AMOUNT OF PENALTY.—

''(1) IN GENERAL.—Except as otherwise provided in this subsection, the amount of the penalty under subsection (a) with respect to any reportable transaction shall be 75 percent of the decrease in tax shown on the return as a result of such transaction (or which would have resulted from such transaction if such transaction were respected for Federal tax purposes).

''(2) MAXIMUM PENALTY.—The amount of the penalty under subsection (a) with respect to any reportable transaction shall not exceed—

''(A) in the case of a listed transaction, $200,000 ($100,000 in the case of a natural person),

''(B) in the case of any other reportable transaction, $50,000 ($10,000 in the case of a natural person).

''(3) MINIMUM PENALTY.—The amount of the penalty under subsection (a) with respect to any transaction shall not be less than $10,000 ($5,000 in the case of a natural person).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to penalties assessed after December 31, 2006.

SEC. 802. REPORT ON TAX SHELTER PENALTIES AND CERTAIN OTHER ENFORCEMENT ACTIONS.

(a) IN GENERAL.—The Commissioner of Internal Revenue, in consultation with the Secretary of the Treasury, shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate an annual report on the penalties assessed by the Internal Revenue Service during the preceding year under each of the following provisions of the Internal Revenue Code of 1986:

(1) Section 6662A (relating to accuracy-related penalty on understatements with respect to reportable transactions).

(2) Section 6700(a) (relating to promoting abusive tax shelters).

(3) Section 6707 (relating to failure to furnish information regarding reportable transactions).

(4) Section 6707A (relating to failure to include reportable transaction information with return).

(5) Section 6708 (relating to failure to maintain lists of advisees with respect to reportable transactions).

(b) ADDITIONAL INFORMATION.—The report required under subsection (a) shall also include information on the following with respect to each year:

(1) Any action taken under section 330(b) of title 31, United States Code, with respect to any reportable transaction (as defined in section 6707A(c) of the Internal Revenue Code of 1986).

(2) Any extension of the time for assessment of tax enforced, or assessment of any amount under such an extension, under paragraph (10) of section 6501(c) of the Internal Revenue Code of 1986.

(c) DATE OF REPORT.—The first report required under subsection (a) shall be submitted not later than December 31, 2010.

SEC. 803. APPLICATION OF BAD CHECKS PENALTY TO ELECTRONIC PAYMENTS.

(a) IN GENERAL.—Section 6657 of the Internal Revenue Code of 1986 is amended—

(1) by striking ''If any check or money order in payment of any amount'' and inserting ''If any instrument in payment, by any commercially acceptable means, of any amount'', and

(2) by striking ''such check'' each place it appears and inserting ''such instrument''.

(b) EFFECTIVE DATES.—The amendments made by this section shall apply to instruments tendered after the date of the enactment of this Act.

SEC. 804. APPLICATION OF LEVY TO PAYMENTS TO FEDERAL VENDORS RELATING TO PROPERTY.

(a) IN GENERAL.—Section 6331(h)(3) of the Internal Revenue Code of 1986 is amended by striking ''goods or services'' and inserting ''property, goods, or services''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to levies approved after the date of the enactment of this Act.

SA 4337. Ms. KLOBUCHAR (for herself and Mr. DORGAN) submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 363, between lines 3 and 4, insert the following:

(c) PROGRAM AUDITS.—Subsection (b)(8)(D) of the Travel Promotion Act of 2009 (22 U.S.C. 2131(b)(8)(D)) is amended by striking ''2 years after the date of enactment of this section,'' and inserting ''3 years after the date of enactment of the Travel Promotion Act of 2009,''.

(d) RESEARCH PROGRAM.—Section 203(b) of the International Travel Act of 1961 (22 U.S.C. 2123a(b)) is amended by striking ''2010 through 2014'' and inserting ''2010 through 2015''.

(e) CORRECTION OF CROSS-REFERENCE.—Section 202(c)(1) of the International Travel Act of 1961 (22 U.S.C. 2123(c)(1)) is amended by striking ''subsection (b) of section 11 of the Travel Promotion Act of 2009'' and inserting ''subsection (b) of the Travel Promotion Act of 2009 (22 U.S.C. 2131(b))''.

SA 4338. Mr. WICKER (for himself, Ms. LANDRIEU, Mr. COCHRAN, and Mr. VITTER) submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subpart B of part II of subtitle D of title II, add the following:

SEC. _____. SPECIAL DEPRECIATION ALLOWANCE.

(a) IN GENERAL.—Paragraph (6) of section 1400N(d)(6) is amended by striking subparagraph (D).

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2009.

SA 4339. Mr. DORGAN (for Mr. ROCKEFELLER) proposed an amendment to the bill H.R. 3360, to amend title 46, United States Code, to establish requirements to ensure the security and safety of passengers and crew on cruise vessels, and for other purposes, as follows:

Strike out all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Cruise Vessel Security and Safety Act of 2010''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) There are approximately 200 overnight ocean-going cruise vessels worldwide. The average ocean-going cruise vessel carries 2,000 passengers with a crew of 950 people.

(2) In 2007 alone, approximately 12,000,000 passengers were projected to take a cruise worldwide.

(3) Passengers on cruise vessels have an inadequate appreciation of their potential vulnerability to crime while on ocean voyages, and those who may be victimized lack the information they need to understand their legal rights or to know whom to contact for help in the immediate aftermath of the crime.

(4) Sexual violence, the disappearance of passengers from vessels on the high seas, and other serious crimes have occurred during luxury cruises.

(5) Over the last 5 years, sexual assault and physical assaults on cruise vessels were the leading crimes investigated by the Federal Bureau of Investigation with regard to cruise vessel incidents.

(6) These crimes at sea can involve attacks both by passengers and crewmembers on other passengers and crewmembers.

(7) Except for United States flagged vessels, or foreign flagged vessels operating in an area subject to the direct jurisdiction of the United States, there are no Federal statutes or regulations that explicitly require cruise lines to report alleged crimes to United States Government officials.

(8) It is not known precisely how often crimes occur on cruise vessels or exactly how many people have disappeared during ocean voyages because cruise line companies do not make comprehensive, crime-related data readily available to the public.

(9) Obtaining reliable crime-related cruise data from governmental sources can be difficult, because multiple countries may be involved when a crime occurs on the high seas, including the flag country for the vessel, the country of citizenship of particular passengers, and any countries having special or maritime jurisdiction.

(10) It can be difficult for professional crime investigators to immediately secure an alleged crime scene on a cruise vessel, recover evidence of an onboard offense, and identify or interview potential witnesses to the alleged crime.

(11) Most cruise vessels that operate into and out of United States ports are registered under the laws of another country, and investigations and prosecutions of crimes against passengers and crewmembers may involve the laws and authorities of multiple nations.

(12) The Department of Homeland Security has found it necessary to establish 500-yard security zones around cruise vessels to limit the risk of terrorist attack. Recently piracy has dramatically increased throughout the world.

(13) To enhance the safety of cruise passengers, the owners of cruise vessels could upgrade, modernize, and retrofit the safety and security infrastructure on such vessels by installing peep holes in passenger room doors, installing security video cameras in targeted areas, limiting access to passenger rooms to select staff during specific times, and installing acoustic hailing and warning devices capable of communicating over distances.

SEC. 3. CRUISE VESSEL SECURITY AND SAFETY REQUIREMENTS.

(a) IN GENERAL.—Chapter 35 of title 46, United States Code, is amended by adding at the end the following:

''§ 3507. Passenger vessel security and safety requirements

''(a) VESSEL DESIGN, EQUIPMENT, CONSTRUCTION, AND RETROFITTING REQUIREMENTS.—

''(1) IN GENERAL.—Each vessel to which this subsection applies shall comply with the following design and construction standards:

''(A) The vessel shall be equipped with ship rails that are located not less than 42 inches above the cabin deck.

''(B) Each passenger stateroom and crew cabin shall be equipped with entry doors that include peep holes or other means of visual identification.

''(C) For any vessel the keel of which is laid after the date of enactment of the Cruise Vessel Security and Safety Act of 2010, each passenger stateroom and crew cabin shall be equipped with—

''(i) security latches; and

''(ii) time-sensitive key technology.

''(D) The vessel shall integrate technology that can be used for capturing images of passengers or detecting passengers who have fallen overboard, to the extent that such technology is available.

''(E) The vessel shall be equipped with a sufficient number of operable acoustic hailing or other such warning devices to provide communication capability around the entire vessel when operating in high risk areas (as defined by the United States Coast Guard).

''(2) FIRE SAFETY CODES.—In administering the requirements of paragraph (1)(C), the Secretary shall take into consideration fire safety and other applicable emergency requirements established by the U. S. Coast Guard and under international law, as appropriate.

''(3) EFFECTIVE DATE.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the requirements of paragraph (1) shall take effect 18 months after the date of enactment of the Cruise Vessel Security and Safety Act of 2010.

''(B) LATCH AND KEY REQUIREMENTS.—The requirements of paragraph (1)(C) take effect on the date of enactment of the Cruise Vessel Security and Safety Act of 2010.

''(b) VIDEO RECORDING.—

''(1) REQUIREMENT TO MAINTAIN SURVEILLANCE.—The owner of a vessel to which this section applies shall maintain a video surveillance system to assist in documenting crimes on the vessel and in providing evidence for the prosecution of such crimes, as determined by the Secretary.

''(2) ACCESS TO VIDEO RECORDS.—The owner of a vessel to which this section applies shall provide to any law enforcement official performing official duties in the course and scope of an investigation, upon request, a copy of all records of video surveillance that the official believes may provide evidence of a crime reported to law enforcement officials.

''(c) SAFETY INFORMATION.—

''(1) CRIMINAL ACTIVITY PREVENTION AND RESPONSE GUIDE.—The owner of a vessel to which this section applies (or the owner's designee) shall—

''(A) have available for each passenger a guide (referred to in this subsection as the 'security guide'), written in commonly understood English, which—

''(i) provides a description of medical and security personnel designated on board to prevent and respond to criminal and medical situations with 24 hour contact instructions;

(ii) describes the jurisdictional authority applicable, and the law enforcement processes available, with respect to the reporting of homicide, suspicious death, a missing United States national, kidnapping, assault with serious bodily injury, any offense to which section 2241, 2242, 2243, or 2244(a) or (c) of title 18 applies, firing or tampering with the vessel, or theft of money or property in excess of $10,000, together with contact information for the appropriate law enforcement authorities for missing persons or reportable crimes which arise—

''(I) in the territorial waters of the United States;

''(II) on the high seas; or

''(III) in any country to be visited on the voyage;

''(B) provide a copy of the security guide to the Federal Bureau of Investigation for comment; and

''(C) publicize the security guide on the website of the vessel owner.

''(2) EMBASSY AND CONSULATE LOCATIONS.—The owner of a vessel to which this section applies shall provide in each passenger stateroom, and post in a location readily accessible to all crew and in other places specified by the Secretary, information regarding the locations of the United States embassy and each consulate of the United States for each country the vessel will visit during the course of the voyage.

''(d) SEXUAL ASSAULT.—The owner of a vessel to which this section applies shall—

''(1) maintain on the vessel adequate, in-date supplies of anti-retroviral medications and other medications designed to prevent sexually transmitted diseases after a sexual assault;

''(2) maintain on the vessel equipment and materials for performing a medical examination in sexual assault cases to evaluate the patient for trauma, provide medical care, and preserve relevant medical evidence;

''(3) make available on the vessel at all times medical staff who have undergone a credentialing process to verify that he or she—

''(A) possesses a current physician's or registered nurse's license and—

''(i) has at least 3 years of post-graduate or post-registration clinical practice in general and emergency medicine; or

''(ii) holds board certification in emergency medicine, family practice medicine, or internal medicine;

''(B) is able to provide assistance in the event of an alleged sexual assault, has received training in conducting forensic sexual assault examination, and is able to promptly perform such an examination upon request and provide proper medical treatment of a victim, including administration of anti-retroviral medications and other medications that may prevent the transmission of human immunodeficiency virus and other sexually transmitted diseases; and

''(C) meets guidelines established by the American College of Emergency Physicians relating to the treatment and care of victims of sexual assault;

''(4) prepare, provide to the patient, and maintain written documentation of the findings of such examination that is signed by the patient; and

''(5) provide the patient free and immediate access to—

''(A) contact information for local law enforcement, the Federal Bureau of Investigation, the United States Coast Guard, the nearest United States consulate or embassy, and the National Sexual Assault Hotline program or other third party victim advocacy hotline service; and

''(B) a private telephone line and Internet-accessible computer terminal by which the individual may confidentially access law enforcement officials, an attorney, and the information and support services available through the National Sexual Assault Hotline program or other third party victim advocacy hotline service.

''(e) CONFIDENTIALITY OF SEXUAL ASSAULT EXAMINATION AND SUPPORT INFORMATION.—The master or other individual in charge of a vessel to which this section applies shall—

''(1) treat all information concerning an examination under subsection (d) confidential, so that no medical information may be released to the cruise line or other owner of the vessel or any legal representative thereof without the prior knowledge and approval in writing of the patient, or, if the patient is unable to provide written authorization, the patient's next-of-kin, except that nothing in this paragraph prohibits the release of—

''(A) information, other than medical findings, necessary for the owner or master of the vessel to comply with the provisions of subsection (g) or other applicable incident reporting laws;

''(B) information to secure the safety of passengers or crew on board the vessel; or

''(C) any information to law enforcement officials performing official duties in the course and scope of an investigation; and

''(2) treat any information derived from, or obtained in connection with, post-assault counseling or other supportive services confidential, so no such information may be released to the cruise line or any legal representative thereof without the prior knowledge and approval in writing of the patient, or, if the patient is unable to provide written authorization, the patient's next-of-kin.

''(f) CREW ACCESS TO PASSENGER STATEROOMS.—The owner of a vessel to which this section applies shall—

''(1) establish and implement procedures and restrictions concerning—

''(A) which crewmembers have access to passenger staterooms; and

''(B) the periods during which they have that access; and

''(2) ensure that the procedures and restrictions are fully and properly implemented and periodically reviewed.

''(g) LOG BOOK AND REPORTING REQUIREMENTS.—

''(1) IN GENERAL.—The owner of a vessel to which this section applies shall—

''(A) record in a log book, either electronically or otherwise, in a centralized location readily accessible to law enforcement personnel, a report on—

''(i) all complaints of crimes described in paragraph (3)(A)(i),

''(ii) all complaints of theft of property valued in excess of $1,000, and

''(iii) all complaints of other crimes,

committed on any voyage that embarks or disembarks passengers in the United States; and

''(B) make such log book available upon request to any agent of the Federal Bureau of Investigation, any member of the United States Coast Guard, and any law enforcement officer performing official duties in the course and scope of an investigation.

''(2) DETAILS REQUIRED.—The information recorded under paragraph (1) shall include, at a minimum—

''(A) the vessel operator;

''(B) the name of the cruise line;

''(C) the flag under which the vessel was operating at the time the reported incident occurred;

''(D) the age and gender of the victim and the accused assailant;

''(E) the nature of the alleged crime or complaint, as applicable, including whether the alleged perpetrator was a passenger or a crewmember;

''(F) the vessel's position at the time of the incident, if known, or the position of the vessel at the time of the initial report;

''(G) the time, date, and method of the initial report and the law enforcement authority to which the initial report was made;

''(H) the time and date the incident occurred, if known;

''(I) the total number of passengers and the total number of crew members on the voyage; and

''(J) the case number or other identifier provided by the law enforcement authority to which the initial report was made.

''(3) REQUIREMENT TO REPORT CRIMES AND OTHER INFORMATION.—

''(A) IN GENERAL.—The owner of a vessel to which this section applies (or the owner's designee)—

''(i) shall contact the nearest Federal Bureau of Investigation Field Office or Legal Attache by telephone as soon as possible after the occurrence on board the vessel of an incident involving homicide, suspicious death, a missing United States national, kidnapping, assault with serious bodily injury, any offense to which section 2241, 2242, 2243, or 2244(a) or (c) of title 18 applies, firing or tampering with the vessel, or theft of money or property in excess of $10,000 to report the incident;

''(ii) shall furnish a written report of the incident to an Internet based portal maintained by the Secretary;

''(iii) may report any serious incident that does not meet the reporting requirements of clause (i) and that does not require immediate attention by the Federal Bureau of Investigation via the Internet based portal maintained by the Secretary; and

''(iv) may report any other criminal incident involving passengers or crewmembers, or both, to the proper State or local government law enforcement authority.

''(B) INCIDENTS TO WHICH SUBPARAGRAPH (A) APPLIES.—Subparagraph (A) applies to an incident involving criminal activity if—

''(i) the vessel, regardless of registry, is owned, in whole or in part, by a United States person, regardless of the nationality of the victim or perpetrator, and the incident occurs when the vessel is within the admiralty and maritime jurisdiction of the United States and outside the jurisdiction of any State;

''(ii) the incident concerns an offense by or against a United States national committed outside the jurisdiction of any nation;

''(iii) the incident occurs in the Territorial Sea of the United States, regardless of the nationality of the vessel, the victim, or the perpetrator; or

''(iv) the incident concerns a victim or perpetrator who is a United States national on a vessel during a voyage that departed from or will arrive at a United States port.

''(4) AVAILABILITY OF INCIDENT DATA VIA INTERNET.—

''(A) WEBSITE.—The Secretary shall maintain a statistical compilation of all incidents described in paragraph (3)(A)(i) on an Internet site that provides a numerical accounting of the missing persons and alleged crimes recorded in each report filed under paragraph (3)(A)(i) that are no longer under investigation by the Federal Bureau of Investigation. The data shall be updated no less frequently than quarterly, aggregated by cruise line, each cruise line shall be identified by name, and each crime shall be identified as to whether it was committed by a passenger or a crew member.

''(B) ACCESS TO WEBSITE.—Each cruise line taking on or discharging passengers in the United States shall include a link on its Internet website to the website maintained by the Secretary under subparagraph (A).

''(h) ENFORCEMENT.—

''(1) PENALTIES.—

''(A) CIVIL PENALTY.—Any person that violates this section or a regulation under this section shall be liable for a civil penalty of not more than $25,000 for each day during which the violation continues, except that the maximum penalty for a continuing violation is $50,000.

''(B) CRIMINAL PENALTY.—Any person that willfully violates this section or a regulation under this section shall be fined not more than $250,000 or imprisoned not more than 1 year, or both.

''(2) DENIAL OF ENTRY.—The Secretary may deny entry into the United States to a vessel to which this section applies if the owner of the vessel—

''(A) commits an act or omission for which a penalty may be imposed under this subsection; or

''(B) fails to pay a penalty imposed on the owner under this subsection.

''(i) PROCEDURES.—Within 6 months after the date of enactment of the Cruise Vessel Security and Safety Act of 2010, the Secretary shall issue guidelines, training curricula, and inspection and certification procedures necessary to carry out the requirements of this section.

''(j) REGULATIONS.—The Secretary and the Commandant shall each issue such regulations as are necessary to implement this section.

''(k) APPLICATION.—

''(1) IN GENERAL.—This section and section 3508 apply to a passenger vessel (as defined in section 2101(22)) that—

''(A) is authorized to carry at least 250 passengers;

''(B) has onboard sleeping facilities for each passenger;

''(C) is on a voyage that embarks or disembarks passengers in the United States; and

''(D) is not engaged on a coastwise voyage.

''(2) FEDERAL AND STATE VESSELS.—This section and section 3508 do not apply to a vessel of the United States operated by the Federal Government or a vessel owned and operated by a State.

''(l) DEFINITIONS.—In this section and section 3508:

''(1) COMMANDANT.—The term 'Commandant' means the Commandant of the Coast Guard.

''(2) OWNER.—The term 'owner' means the owner, charterer, managing operator, master, or other individual in charge of a vessel.

''§ 3508. Crime scene preservation training for passenger vessel crewmembers

''(a) IN GENERAL.—Within 1 year after the date of enactment of the Cruise Vessel Security and Safety Act of 2010, the Secretary, in consultation with the Director of the Federal Bureau of Investigation and the Maritime Administration, shall develop training standards and curricula to allow for the certification of passenger vessel security personnel, crewmembers, and law enforcement officials on the appropriate methods for prevention, detection, evidence preservation, and reporting of criminal activities in the international maritime environment. The

Administrator of the Maritime Administration may certify organizations in the United States and abroad that offer the curriculum for training and certification under subsection (c).

''(b) MINIMUM STANDARDS.—The standards established by the Secretary under subsection (a) shall include—

''(1) the training and certification of vessel security personnel, crewmembers, and law enforcement officials in accordance with accepted law enforcement and security guidelines, policies, and procedures, including recommendations for incorporating a background check process for personnel trained and certified in foreign ports;

''(2) the training of students and instructors in all aspects of prevention, detection, evidence preservation, and reporting of criminal activities in the international maritime environment; and

''(3) the provision or recognition of off-site training and certification courses in the United States and foreign countries to develop and provide the required training and certification described in subsection (a) and to enhance security awareness and security practices related to the preservation of evidence in response to crimes on board passenger vessels.

''(c) CERTIFICATION REQUIREMENT.—Beginning 2 years after the standards are established under subsection (b), no vessel to which this section applies may enter a United States port on a voyage (or voyage segment) on which a United States citizen is a passenger unless there is at least 1 crewmember onboard who is certified as having successfully completed training in the prevention, detection, evidence preservation, and reporting of criminal activities in the international maritime environment on passenger vessels under subsection (a).

''(d) INTERIM TRAINING REQUIREMENT.—No vessel to which this section applies may enter a United States port on a voyage (or voyage segment) on which a United States citizen is a passenger unless there is at least 1 crewmember onboard who has been properly trained in the prevention detection, evidence preservation and the reporting requirements of criminal activities in the international maritime environment. The owner of a such a vessel shall maintain certification or other documentation, as prescribed by the Secretary, verifying the training of such individual and provide such documentation upon request for inspection in connection with enforcement of the provisions of this section. This subsection shall take effect 1 year after the date of enactment of the Cruise Vessel Safety and Security Act of 2010 and shall remain in effect until superseded by the requirements of subsection (c).

''(e) CIVIL PENALTY.—Any person that violates this section or a regulation under this section shall be liable for a civil penalty of not more than $50,000.

''(f) DENIAL OF ENTRY.—The Secretary may deny entry into the United States to a vessel to which this section applies if the owner of the vessel—

''(1) commits an act or omission for which a penalty may be imposed under subsection (e); or

''(2) fails to pay a penalty imposed on the owner under subsection (e).''.

(b) CLERICAL AMENDMENT.—The table of contents for such chapter is amended by adding at the end the following:

''3507. Passenger vessel security and safety requirements

''3508. Crime scene preservation training for passenger vessel crewmembers''.

SEC. 4. OFFSET OF ADMINISTRATIVE COSTS.

(a) REPEAL OF CERTAIN REPORT REQUIREMENTS.—

(1) Section 1130 of the Coast Guard Authorization Act of 1996 (33 U.S.C. 2720 note) is amended by striking subsection (b).

(2) Section 112 of the Maritime Transportation Security Act of 2002 (46 U.S.C. 70101 note) is repealed.

(3) Section 676 of title 14, United States Code, is amended by striking subsection (d).

(4) Section 355 of title 37, United States Code, is amended by striking subsection (h) and redesignating subsection (i) as subsection (h).

(5) Section 205 of the Coast Guard and Maritime Transportation Act of 2004 (14 U.S.C. 637 note) is amended by striking subsection (d).

(b) COMBINATION OF FISHERIES ENFORCEMENT PLANS AND FOREIGN FISHING INCURSION REPORTS.—The Secretary of the department in which the Coast Guard is operating shall combine the reports required under section 224 of the Coast Guard and Maritime Transportation Act of 2004 (16 U.S.C. 1861b) and section 804 of the Coast Guard and Maritime Transportation Act of 2004 (16 U.S.C. 1828) into a single annual report for fiscal years beginning after fiscal year 2010.

SEC. 5. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

SA 4340. Mr. LEVIN (for himself, Mr. KAUFMAN, Mr. NELSON of Florida, Mrs. SHAHEEN, Mrs. MCCASKILL, Mr. WHITEHOUSE, and Mr. REED) submitted an amendment intended to be proposed by him to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, insert the following:

TITLE ___—AUTHORIZING SPECIAL MEASURES FOR JURISDICTIONS, FINANCIAL INSTITUTIONS, INTERNATIONAL TRANSACTIONS, OR TYPES OF ACCOUNTS THAT ARE OF PRIMARY MONEY LAUNDERING CONCERN OR IMPEDE UNITED STATES TAX ENFORCEMENT

SEC. ____. AUTHORIZING SPECIAL MEASURES FOR JURISDICTIONS, FINANCIAL INSTITUTIONS, INTERNATIONAL TRANSACTIONS, OR TYPES OF ACCOUNTS THAT ARE OF PRIMARY MONEY LAUNDERING CONCERN OR IMPEDE UNITED STATES TAX ENFORCEMENT.

Section 5318A of title 31, United States Code, is amended—

(1) by striking the section heading and inserting the following:

''§ 5318A. Special measures for jurisdictions, financial institutions, or international transactions that are of primary money laundering concern or impede United States tax enforcement'';

(2) in subsection (a), by striking the subsection heading and inserting the following:

''(a) SPECIAL MEASURES TO COUNTER MONEY LAUNDERING AND EFFORTS TO IMPEDE UNITED STATES TAX ENFORCEMENT.—'';

(3) in subsection (c), by striking the subsection heading and inserting the following:

''(c) CONSULTATIONS AND INFORMATION TO BE CONSIDERED IN FINDING JURISDICTIONS, INSTITUTIONS, TYPES OF ACCOUNTS, OR TRANSACTIONS TO BE OF PRIMARY MONEY LAUNDERING CONCERN OR TO BE IMPEDING UNITED STATES TAX ENFORCEMENT.—'';

(4) in subsection (a)(1), by inserting ''or is impeding United States tax enforcement'' after ''primary money laundering concern'';

(5) in subsection (a)(4)—

(A) in subparagraph (A)—

(i) by inserting ''in matters involving money laundering,'' before ''shall consult''; and

(ii) by striking ''and'' at the end;

(B) by redesignating subparagraph (B) as subparagraph (C); and

(C) by inserting after subparagraph (A) the following:

''(B) in matters involving United States tax enforcement, shall consult with the Commissioner of the Internal Revenue, the Secretary of State, the Attorney General of the United States, and in the sole discretion of the Secretary, such other agencies and interested parties as the Secretary may find to be appropriate; and'';

(6) in each of paragraphs (1)(A), (2), (3), and (4) of subsection (b), by inserting ''or to be impeding United States tax enforcement'' after ''primary money laundering concern'' each place that term appears;

(7) in subsection (b), by striking paragraph (5) and inserting the following:

''(5) PROHIBITIONS OR CONDITIONS ON OPENING OR MAINTAINING CERTAIN CORRESPONDENT OR PAYABLE-THROUGH ACCOUNTS OR AUTHORIZING CERTAIN PAYMENT CARDS.—If the Secretary finds a jurisdiction outside of the United States, 1 or more financial institutions operating outside of the United States, or 1 or more classes of transactions within or involving a jurisdiction outside of the United States to be of primary money laundering concern or to be impeding United States tax enforcement, the Secretary, in consultation with the Secretary of State, the Attorney General of the United States, and the Chairman of the Board of Governors of the Federal Reserve System, may prohibit, or impose conditions upon—

''(A) the opening or maintaining in the United States of a correspondent account or payable-through account; or

''(B) the authorization, approval, or use in the United States of a credit card, charge card, debit card, or similar credit or debit financial instrument by any domestic financial institution, financial agency, or credit card company or association, for or on behalf of a foreign banking institution, if such correspondent account, payable-through account, credit card, charge card, debit card, or similar credit or debit financial instrument, involves any such jurisdiction or institution, or if any such transaction may be conducted through such correspondent account, payable-through account, credit card, charge card, debit card, or similar credit or debit financial instrument.''; and

(8) in subsection (c)(1), by inserting ''or is impeding United States tax enforcement'' after ''primary money laundering concern'';

(9) in subsection (c)(2)(A)—

(A) in clause (ii), by striking ''bank secrecy or special regulatory advantages'' and inserting ''bank, tax, corporate, trust, or financial secrecy or regulatory advantages'';

(B) in clause (iii), by striking ''supervisory and counter-money'' and inserting ''supervisory, international tax enforcement, and counter-money'';

(C) in clause (v), by striking ''banking or secrecy'' and inserting ''banking, tax, or secrecy''; and

(D) in clause (vi), by inserting '', tax treaty, or tax information exchange agreement'' after ''treaty'';

(10) in subsection (c)(2)(B)—

(A) in clause (i), by inserting ''or tax evasion'' after ''money laundering''; and

(B) in clause (iii), by inserting '', tax evasion,'' after ''money laundering''; and

(11) in subsection (d), by inserting ''involving money laundering, and shall notify, in writing, the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives of any such action involving United States tax enforcement'' after ''such action''.

SA 4341. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title IV, add the following:

SEC. _____. TAXATION OF INCOME OF CONTROLLED FOREIGN CORPORATIONS ATTRIBUTABLE TO IMPORTED PROPERTY.

(a) GENERAL RULE.—Subsection (a) of section 954 (defining foreign base company income) is amended by striking the period at the end of paragraph (5) and inserting '', and'', by redesignating paragraph (5) as paragraph (4), and by adding at the end the following new paragraph:

''(5) imported property income for the taxable year (determined under subsection (j) and reduced as provided in subsection (b)(5)).''.

(b) DEFINITION OF IMPORTED PROPERTY INCOME.—Section 954 is amended by adding at the end the following new subsection:

''(j) IMPORTED PROPERTY INCOME.—

''(1) IN GENERAL.—For purposes of subsection (a)(5), the term 'imported property income' means income (whether in the form of profits, commissions, fees, or otherwise) derived in connection with—

''(A) manufacturing, producing, growing, or extracting imported property;

''(B) the sale, exchange, or other disposition of imported property; or

''(C) the lease, rental, or licensing of imported property.

Such term shall not include any foreign oil and gas extraction income (within the meaning of section 907(c)) or any foreign oil related income (within the meaning of section 907(c)).

''(2) IMPORTED PROPERTY.—For purposes of this subsection—

''(A) IN GENERAL.—Except as otherwise provided in this paragraph, the term 'imported property' means property which is imported into the United States by the controlled foreign corporation or a related person.

''(B) IMPORTED PROPERTY INCLUDES CERTAIN PROPERTY IMPORTED BY UNRELATED PERSONS.—The term 'imported property' includes any property imported into the United States by an unrelated person if, when such property was sold to the unrelated person by the controlled foreign corporation (or a related person), it was reasonable to expect that—

''(i) such property would be imported into the United States; or

''(ii) such property would be used as a component in other property which would be imported into the United States.

''(C) EXCEPTION FOR PROPERTY SUBSEQUENTLY EXPORTED.—The term 'imported property' does not include any property which is imported into the United States and which—

''(i) before substantial use in the United States, is sold, leased, or rented by the controlled foreign corporation or a related person for direct use, consumption, or disposition outside the United States; or

''(ii) is used by the controlled foreign corporation or a related person as a component in other property which is so sold, leased, or rented.

''(D) EXCEPTION FOR CERTAIN AGRICULTURAL COMMODITIES.—The term 'imported property' does not include any agricultural commodity which is not grown in the United States in commercially marketable quantities.

''(3) DEFINITIONS AND SPECIAL RULES.—

''(A) IMPORT.—For purposes of this subsection, the term 'import' means entering, or withdrawal from warehouse, for consumption or use. Such term includes any grant of the right to use intangible property (as defined in section 936(h)(3)(B)) in the United States.

''(B) UNITED STATES.—For purposes of this subsection, the term 'United States' includes the Commonwealth of Puerto Rico, the Virgin Islands of the United States, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

''(C) UNRELATED PERSON.—For purposes of this subsection, the term 'unrelated person' means any person who is not a related person with respect to the controlled foreign corporation.

''(D) COORDINATION WITH FOREIGN BASE COMPANY SALES INCOME.—For purposes of this section, the term 'foreign base company sales income' shall not include any imported property income.''.

(c) SEPARATE APPLICATION OF LIMITATIONS ON FOREIGN TAX CREDIT FOR IMPORTED PROPERTY INCOME.—

(1) IN GENERAL.—Paragraph (1) of section 904(d) (relating to separate application of section with respect to certain categories of income) is amended by striking ''and'' at the end of subparagraph (A), by redesignating subparagraph (B) as subparagraph (C), and by inserting after subparagraph (A) the following new subparagraph:

''(B) imported property income, and''.

(2) IMPORTED PROPERTY INCOME DEFINED.—Paragraph (2) of section 904(d) is amended by redesignating subparagraphs (I), (J), and (K) as subparagraphs (J), (K), and (L), respectively, and by inserting after subparagraph (H) the following new subparagraph:

''(I) IMPORTED PROPERTY INCOME.—The term 'imported property income' means any income received or accrued by any person which is of a kind which would be imported property income (as defined in section 954(j)).''.

(3) CONFORMING AMENDMENT.—Clause (ii) of section 904(d)(2)(A) is amended by inserting ''or imported property income'' after ''passive category income''.

(d) TECHNICAL AMENDMENTS.—

(1) Clause (iii) of section 952(c)(1)(B) (relating to certain prior year deficits may be taken into account) is amended—

(A) by redesignating subclauses (II), (III), (IV), and (V) as subclauses (III), (IV), (V), and (VI), and

(B) by inserting after subclause (I) the following new subclause:

''(II) imported property income,''.

(2) The last sentence of paragraph (4) of section 954(b) (relating to exception for certain income subject to high foreign taxes) is amended by striking ''subsection (a)(5)'' and inserting ''subsection (a)(4)''.

(3) Paragraph (5) of section 954(b) (relating to deductions to be taken into account) is amended by striking ''and the foreign base company oil related income'' and inserting ''the foreign base company oil related income, and the imported property income''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years of foreign corporations beginning after the date of the enactment of this Act, and to taxable years of United States shareholders within which or with which such taxable years of such foreign corporations end.

SA 4342. Ms. SNOWE (for herself, Mr. ENZI, and Mr. ENSIGN) submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 413.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on June 10, 2010, at 10 a.m. in room 253 of the Russell Senate Office Building.

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

COMMITTEE ON FINANCE

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on June 10, 2010, at 10 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled ''The U.S.-China Economic Relationship: A New Approach for A New China.''

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

COMMITTEE ON FOREIGN RELATIONS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on June 10, 2010, at 10 a.m., to hold a hearing entitled ''Strategic Arms Control and National Security (Treaty Doc. 111–5).''

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate, to conduct a hearing entitled ''Production over Protections: A Review of Process Safety Management in the Oil and Gas Industry'' on June 10, 2010. The hearing will commence at 10 a.m. in room 430 of the Dirksen Senate Office Building.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on June 10, 2010, at 2:30 p.m.

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

COMMITTEE ON INDIAN AFFAIRS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized

to meet during the session of the Senate on June 10, 2010, at 3 p.m. in room 628 of the Dirksen Senate Office Building.

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

COMMITTEE ON THE JUDICIARY

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on June 10, 2010, at 10 a.m. in SD–226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

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

AD HOC SUBCOMMITTEE ON STATE, LOCAL, AND PRIVATE SECTOR PREPAREDNESS AND INTEGRATION

Mrs. BOXER. Mr. President, I ask unanimous consent that the Ad Hoc Subcommittee on State, Local, and Private Sector Preparedness and Integration of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on June 10, 2010, at 10 a.m. to conduct a hearing entitled, ''Deep Impact: Assessing the Effects of the Deepwater Horizon Oil Spill on States, Localities and the Private Sector.''

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

SELECT COMMITTEE ON INTELLIGENCE

Mrs. BOXER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on June 10, 2010, at 2:30 p.m.

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

PRIVILEGES OF THE FLOOR

Mrs. BOXER. Mr. President, I ask unanimous consent that Julie DeMeester, a fellow in Senator DURBIN's office, be granted the privilege of the floor for the duration of the Murkowski resolution debate.

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

Mrs. BOXER. Mr. President, I ask unanimous consent, on behalf of Senator BAUCUS, that a fellow, Andrew Erickson, be granted the privileges of the floor during the consideration of this resolution.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. DORGAN. Mr. President, I ask unanimous consent the Senate proceed to executive session to consider Calendar No. 932 and all nominations on the Secretary's desk in the Coast Guard and NOAA; that the nominations be confirmed en bloc, and the motions to reconsider be laid upon the table en bloc; that no further motions be in order; that any statements relating to the nominations be printed in the RECORD, and that the President be immediately notified of the Senate's action.

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

The nominations considered and confirmed en bloc are as follows:

IN THE COAST GUARD

The following named officers for appointment in the United States Coast Guard to the grade indicated under section 271, title 14, U.S.C.:

To be rear admiral

Rear Adm. (lh) Joseph R. Castillo
Rear Adm. (lh) Daniel R. May
Rear Adm. (lh) Roy A. Nash
Rear Adm. (lh) Peter F. Neffenger
Rear Adm. (lh) Charles W. Ray
Rear Adm. (lh) Keith A. Taylor

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE COAST GUARD

PN1771 COAST GUARD nominations (4) beginning Emily S. McIntyre, and ending Scott J. McCann, which nominations were received by the Senate and appeared in the Congressional Record of May 13, 2010.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

PN1622 NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION nominations (20) beginning REBECCA J. ALMEIDA, and ending OLIVER E. BROWN, which nominations were received by the Senate and appeared in the Congressional Record of April 14, 2010.

PN1732 NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION nominations (16) beginning TIMOTHY C. SINQUEFIELD, and ending LARRY V. THOMAS JR., which nominations were received by the Senate and appeared in the Congressional Record of April 29, 2010.

Mr. DORGAN. I ask unanimous consent that on Tuesday, June 15, at 11:30 a.m., the Senate proceed to executive session and debate concurrently the following nominations on the Executive Calendar for a total of 20 minutes, with the time equally divided and controlled between Senators LEAHY and SESSIONS or their designees: Calendar No. 732, Tanya Pratt; Calendar No. 775, Brian Jackson; and Calendar No. 776, Elizabeth Foote; that upon the use or yielding back of time, the Senate proceed to vote on confirmation of the nominations in the order listed, and that after the first vote, the succeeding votes be limited to 10 minutes each; that upon confirmation, the motions to reconsider be considered made and laid upon the table, the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

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

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

CRUISE VESSEL SECURITY AND SAFETY ACT OF 2010

Mr. DORGAN. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 211, H.R. 3360.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3360) to amend title 46, United States Code, to establish requirements to ensure the security and safety of passengers and crew on cruise vessels, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, I am pleased to support the Cruise Vessel Security and Safety Act of 2010 and glad to join the full Senate today in passing this important bill. This legislation will improve the safety of Americans traveling on cruise ships by increasing security and crime reporting regulations.

Far too many incidents of sexual assault and other serious crimes continue to occur on board cruise ships despite ongoing media and Congressional attention to this problem. I have long worked to improve protections for crime victims through landmark legislation including the Victims of Crime Act and the Violence Against Women Act. I applaud Senator KERRY for his leadership in ensuring those protections extend to Americans traveling aboard cruise ships.

This important legislation will require the cruise industry to comply with a number of commonsense security provisions, such as providing peep holes and locks in sleeping cabins, and it mandates cruise vessel personnel to contact both the FBI and the U.S. Coast Guard as soon as a serious crime is reported.

I am particularly pleased to see that the legislation will improve the treatment and protections victims receive on board a cruise ship following a crime. For example, a licensed medical practitioner will be required on board all ships to provide immediate treatment, including medications to prevent sexually transmitted diseases after an assault and to conduct forensic examinations to help collect critical evidence for later prosecution. I have worked hard to ensure that these kinds of services to assist victims and to facilitate successful prosecution of those who commit terrible crimes are available throughout the country. I am glad that this bill will help ensure that Americans traveling at sea receive these same vital services.

These important commonsense provisions will help prevent further crimes from happening by improving security measures on our country's cruise ships, while also improving our ability to hold the perpetrators of these serious crimes accountable. I am pleased to support this important legislation.

Mr. DORGAN. Mr. President, I ask unanimous consent the Rockefeller substitute amendment which is at the desk be agreed to, the bill, as amended, be read a third time, the bill be passed, the motions to reconsider be laid upon

the table, with no intervening action or debate, and any statements be printed in the RECORD as if read.

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

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

Mr. CONRAD. Mr. President, this is the Statement of Budgetary Effects of PAYGO Legislation for H.R. 3360, the Cruise Vessel Security and Safety Act of 2010, as amended. This statement has been prepared pursuant to Section 4 of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111–139), and is being submitted for printing in the Congressional Record prior to passage of H.R. 3360, as amended, by the Senate.

Total Budgetary Effects of H.R. 3360, as amended, for the 5-year Statutory PAYGO Scorecard: $0.

Total Budgetary Effects of H.R. 3360, as amended, for the 10-year Statutory PAYGO Scorecard: $0.

Also submitted for the Record as part of this statement is a table prepared by the Congressional Budget Office, which provides additional information on the budgetary effects of this Act.

CBO ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR H.R. 3360, THE CRUISE VESSEL SECURITY AND SAFETY ACT OF 2010, AS PROVIDED TO CBO BY THE SENATE BUDGET COMMITTEE ON JUNE 9, 2010

[Version: June 8, 2010 4:53 pm]

	By fiscal year, in millions of dollars—												
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010–2015	2010–2020
Net Increase or Decrease (−) in the Deficit													
Statutory Pay-As-You-Go Impact	0	0	0	0	0	0	0	0	0	0	0	0	0

Note: H.R. 3360 would address the safety of passengers and crew members on vessels. The bill would establish new criminal and civil penalties, but CBO estimates that any new revenues or direct spending would be less than $500,000 annually.

The amendment (No. 4339) was agreed to.

(The text of the amendment is printed in today's RECORD under ''Text of Amendments.'')

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 3360), as amended, was read the third time and passed.

NATIONAL HEALTH INFORMATION TECHNOLOGY WEEK

Mr. DORGAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 550 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 550) designating the week beginning on June 14, 2010, ending on June 18, 2010, as ''National Health Information Technology Week'' to recognize the value of health information technology to improving health quality.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DORGAN. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

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

The resolution (S. Res. 550) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 550

Whereas the Healthcare Information and Management Systems Society has collaborated with more than 5 dozen healthcare organizations for almost 50 years to transform health care by improving information technology and management systems;

Whereas the Center for Information Technology Leadership estimates that the implementation of national standards for interoperability and the exchange of health information would save the United States approximately $77,000,000,000 in expenses relating to health care each year;

Whereas health care information technology and management systems have been recognized as essential tools for improving the quality and cost efficiency of the health care system;

Whereas Congress has made a commitment to leveraging the benefits of the health care information technology and management systems, including through the adoption of electronic medical records that will help to reduce costs and improve quality while ensuring privacy of patients and codification of the Office of the National Coordinator for Health Information Technology;

Whereas Congress has emphasized improving the quality and safety of delivery of health care in the United States; and

Whereas since 2006, organizations across the United States have united to support National Health Information Technology Week to improve public awareness of the benefits of improved quality and cost efficiency of the health care system that the implementation of health information technology could achieve: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning on June 14, 2010, and ending on June 18, 2010, as ''National Health Information Technology Week'';

(2) recognizes the value of information technology and management systems in transforming health care for the people of the United States; and

(3) calls on all interested parties to promote the use of information technology and management systems to transform the health care system in the United States.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, upon the recommendation of the Republican leader, pursuant to Public Law 105–292, as amended by Public Law 106–55, and as further amended by Public Law 107–228, appoints the following individual to the United States Commission on International Religious Freedom: Leonard A. Leo of Virginia Vice Preeta D. Bansal.

ORDERS FOR MONDAY, JUNE 14, 2010

Mr. DORGAN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 2 p.m. Monday, June 14; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business until 3 p.m., with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees. I further ask that following morning business the Senate resume consideration of the House message to accompany H.R. 4213, the extenders package.

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

PROGRAM

Mr. DORGAN. As a reminder, there will be no rollcall votes during Monday's session. However, the bill manager will be here in the Chamber of the Senate to continue working through amendments on the extenders bill. The next rollcall votes will occur around 11:50 a.m. Tuesday, June 15, on the confirmation of several judicial nominations.

ADJOURNMENT UNTIL MONDAY, JUNE 14, 2010, AT 2 P.M.

Mr. DORGAN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 6:05 p.m., adjourned until Monday, June 14, 2010, at 2 p.m.

NOMINATIONS

Executive nomination received by the Senate:

THE JUDICIARY

JAMES E. GRAVES, JR., OF MISSISSIPPI, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIFTH CIRCUIT, VICE RHESA H. BARKSDALE, RETIRED.

CONFIRMATIONS

Executive nominations confirmed by the Senate, Thursday, June 10, 2010:

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER SECTION 271, TITLE 14, U.S.C.:

To be rear admiral

REAR ADM. (LH) JOSEPH R. CASTILLO
REAR ADM. (LH) DANIEL R. MAY
REAR ADM. (LH) ROY A. NASH
REAR ADM. (LH) PETER F. NEFFENGER
REAR ADM. (LH) CHARLES W. RAY
REAR ADM. (LH) KEITH A. TAYLOR

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

COAST GUARD NOMINATIONS BEGINNING WITH EMILY S. MCINTYRE AND ENDING WITH SCOTT J. MCCANN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 13, 2010.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION NOMINATIONS BEGINNING WITH REBECCA J. ALMEIDA AND ENDING WITH OLIVER E. BROWN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 14, 2010.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION NOMINATIONS BEGINNING WITH TIMOTHY C. SINQUEFIELD AND ENDING WITH LARRY V. THOMAS, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 29, 2010.