

to tell Congress to get off this road to fiscal calamity. To every fellow Senator, I say now is the time to stand and be counted. Are my colleagues going to be the vote that helped us turn back from the fiscal cliff or the vote that pushed the economy that much further toward the edge?

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Kansas.

Mr. ROBERTS. Mr. President, I understand we are in morning business and that I am recognized for 10 minutes. I ask unanimous consent that I be recognized for 15 minutes. I will try to make it short. If it goes on any longer, I will ask unanimous consent for additional time.

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

Mr. ROBERTS. Mr. President, I congratulate the Senator from Alabama for laying out exactly what we face when we have a vote tomorrow in regard to the future of the United States and whether we restore common sense to Federal spending and prevent the chaotic situation he so aptly described, not only in terms of our immediate future but for our children and our grandchildren.

That says it all in regard to we had a townhall meeting—Senator JERRY MORAN, Congressman KEVIN YODER, and myself in Johnson County, KS. In that meeting, the first question out—it was 100 to 250 people who were so excited: When are you going to get control of this spending? They worry not just about themselves but their kids and grandkids.

As usual, we are going to have to dub the Senator from Alabama the watchdog of the Senate, but he so eloquently described what we face. I thank him for it.

#### ENERGY REGULATIONS

Mr. ROBERTS. Mr. President, I rise to speak out against what I consider to be a regulatory assault on our Nation's energy sector. That is pretty strong language, but I intend it to be.

I listed a number of these proposed regulations in a letter I sent earlier today to President Obama. I ask unanimous consent to have this letter 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, March 7, 2011.

President BARACK OBAMA,  
The White House,  
Washington, DC.

DEAR PRESIDENT OBAMA: I write you today to express my sincere appreciation for your recently implemented Executive Order mandating that all federal agencies review and revoke any rules or regulations that place unreasonable burdens on our nation's business community. In light of our current economic crisis, establishing a regulatory environment that promotes growth and job creation should be the number one priority for this Congress and Administration.

Many people today believe no agency over the past few years has had more of a negative impact on business growth and regulatory certainty than the Environmental Protection Agency (EPA). Since fiscal year 2010, ten new regulations promulgated by the EPA have accounted for over 23 billion dollars in new costs to the American taxpayer. As your Administration reviews both proposed and promulgated regulations, please consider the following five regulations and the negative economic impact their full implementation will have on our nation:

EPA's proposal to amend the current primary 8 hour ozone standard to a range of 60 to 70 parts per billion. The EPA itself has estimated that this new regulation would cost between 19 and 90 billion dollars to fully implement, while providing no rationale as to what new scientific data justifies updating a standard set as recently as 2008.

The EPA and National Highway Traffic Safety Administration's decision to mandate greater fuel economy and emissions standards for all passenger vehicles and light-duty trucks. Recent analysis has estimated this new regulation will cost the already struggling automobile industry upwards of 10.8 billion dollars to comply, and consumers up to 985 dollars per vehicle in higher purchase prices.

The EPA's regulation restricting green house gas emissions from stationary sources. While this regulation currently only affects those stationary sources emitting 75,000 or more tons of carbon per year, future implementations of this rule could negatively impact millions of small businesses and community organizations with costs of over 75 billion dollars a year.

The EPA's recently promulgated Reciprocating Internal Combustion Engines (RICE) regulation that requires operators of current diesel or dual fuel engines (those operating on a mix of diesel fuel and natural gas) to install new oxidation catalysts on existing engines. This regulation has already had a profound impact on municipal electric utilities, rural electric cooperatives and agricultural irrigators in Kansas. Costing an estimated \$60,000 to \$100,000 per engine, this regulation is particularly difficult for small rural Kansas communities that may only operate these engines a few hours every year for emergency situations or extreme weather conditions.

As EPA officials prepare to release a final ruling on regulation of coal combustion by-products (CCB), I highly recommend avoiding any classification of this product as a hazardous waste. Classification of this by-product as a hazardous waste will restrict further beneficial reuse of CCBs and without any corresponding benefit to the environment.

Again, thank you for the opportunity to share my recommendations on what rules and regulations pose serious negative consequences to the growth of our nation. As the 112th Congress gets under way, I will continue to identify to your administration regulations that handicap American businesses and halt American job creation. It is my hope that we can create a regulatory environment that provides American businesses with the necessary tools to hire and thrive in this global market.

Sincerely,

PAT ROBERTS,  
U.S. Senator.

Mr. ROBERTS. We—myself, staff, others, a lot of people I have met with in Kansas, regardless what economic sector we are talking about, whether it is energy, which I wish to talk about today, whether it is agriculture, which we talked about last week, health care

is coming, and then we are going to talk about the financial sector—we have talked about the President's initiative, his Executive order in which the President said rightly—and I applauded that statement that we have so many regulations pouring out of Washington and so many regulations on the books, we do not have a cost-benefit yardstick—that is my favorite term for it—to say: Does the cost exceed the benefit? Does it make sense?

The President himself said there are many that are duplicative and very costly and basically are stupid. That is exactly what the President said. I said “egregious.” That is the Senate word. The President said “stupid.” I think everybody understands that. He issued an Executive order, and he said to all the Federal agencies: Please, take a look at the regulations that are on the books and all the regulations that are coming out of your agency and see if you can make sense out of it and try to separate out the ones that are duplicative, costly, and, yes, stupid and the ones that are not and we can make some progress. I applauded the President's effort.

The problem is, it is an Executive order that has no teeth. There are three exemptions—and I will get into that in my prepared remarks, but basically the independent agencies are excluded. There are a bunch of them. There is language in the bill that says, if you are doing it for the public good, the Secretary can say: Oh, well, that does not apply to us. How many Secretaries around here—for that matter czars. I guess they are in the room. I don't know what they do. If there is a czar sitting there talking to schedule C appointees and says: Do you think our regulations serve the public good, of course, they think that. They would not have promulgated them or issued them or thought them up to begin with if they did not think it was for the public good. So they are exempt.

Then, we have a wonderful paragraph that I defy anybody to understand. They can also use that in regard to dodging around the President's Executive order. The President issued an Executive order, said some very good things to the American public, but it does not have any teeth.

I have a bill. We have 30 cosponsors. The bill says: Mr. President, you are right with your Executive order. We codify his order, but we take out the exemptions. What a day that would produce—or a year, for that matter—for all Federal agencies, if they truly had to adhere to the President's Executive order. I hope we get more cosponsors and we could actually consider it and actually pass it on the floor of the Senate.

We have several areas of our economy that are affected in a most egregious way by all these regulations. I talked about agriculture last week. We are talking about energy today. Health care is coming, and the financial institutions will be coming after that.

Even as the price of crude continues to climb above \$100 this administration continues to promote domestic energy policies that are making it more expensive for Americans to put gas in their cars, heat their homes, power their businesses. Just yesterday in a townhall meeting in Johnson County in Kansas, I heard complaints about the rising gas prices and our dependence on foreign oil and the need to develop our own domestic resources—all those resources. But this vital goal is now extremely difficult on the administration's own policies, again affecting not only energy but agriculture and our financial institutions and health care. I call them the four horsemen of regulatory strangulation. That may be a little harsh, but I don't think it is.

As I said, last week, I came to the floor and highlighted a multitude of new overly burdensome and, in many situations, absurd EPA regulations that will have a significant negative effect on the ability of our farmers and our ranchers to produce the food and the crops necessary to compete in a global market and to feed a troubled and hungry world. Take a look at the coverage in regard to Libya and the news blip we saw on television where somebody was shouting and protesting and one of our newspeople stuck a microphone in front of his face and said: Are you trying to promote democracy? He said: No, I just want a loaf of bread. I will say to you that a hungry nation is a nation that does not have any possibility of economic opportunity. Well, unfortunately, as we all know, the EPA's reach goes well beyond the agricultural industry. Its regulations are moving to make the energy we rely on every day more expensive to produce, and many times without providing any appreciable benefits to the environment. Nobody wants to do anything that would endanger the public health. But I think we can take a good look at some of these regulations in regards to any appreciable benefits to the environment and find they are few and far between.

Since fiscal year 2010, 10 new regulations promulgated by the EPA have accounted for over \$23 billion in new costs to the American taxpayer, costs which are even more painful for Americans as our Nation continues to struggle with an almost 9-percent unemployment rate. Unfortunately, with the number of proposed regulations currently before our domestic energy producers, if we do not take action—we meaning the Congress—2011 and beyond will be even costlier.

For example, EPA has proposed to amend the current national ambient quality standards for ozone to a range of 60 to 70 parts per billion. This is a range so stringent that recent analysis estimates hundreds of thousands of jobs would be at risk because of the inability of cities and counties to meet these attainment levels.

The EPA itself has estimated this new regulation would cost between \$19

billion and \$90 billion to fully implement. I am talking about the 60 to 70 parts per billion standard. It provides no rationale as to what new scientific data justifies updating a standard set as recently as 2008.

This proposed regulation is in addition to the recently enacted greenhouse gas regulations requiring application of the best available control technology. Who decides that? That is the Kansas Department of Health and Environment with the EPA looking over their shoulder, and it is the application of best available control technology for stationary sources of greenhouse gas emissions.

This regulation currently only affects those stationary sources of energy emitting 75,000 or more tons of carbon per year and which are already subject to the prevention of significant deterioration—they call that PSD—permitting requirements for nongreenhouse gases—or GHGS.

Future implementation of this rule could negatively impact millions of small businesses, farms, hospitals, and community organizations with costs of over \$75 billion a year. So we are talking billions and billions and billions in regards to these regulations.

According to the Affordable Power Alliance, a civil rights organization, by the year 2030, greenhouse gas regulations—trying to control them—specifically targeting our domestic energy producers will result in the loss of 2.5 million jobs—2.5 million jobs—and a reduction of household income of \$1,200 a year.

Keep in mind, these are impacts that will have the greatest negative impact on poor households, low-income households, that spend a greater percentage of their monthly income on utilities and groceries—necessities made more expensive to produce and purchase with rising energy prices.

In the area of energy recycling, EPA officials are preparing to release a final ruling on regulation of coal combustion byproducts—the acronym for which is CCBs—which I hope avoids any classification of this byproduct as a hazardous waste. CCBs are, of course, an unavoidable residual of burning coal to create energy, which I wish to add is the most cost-effective form of energy available still, and is responsible for providing over 70 percent of the energy to my State's taxpayers—70 percent. Classification of this byproduct as a hazardous waste will restrict further beneficial use of CCBs in a multitude of industries, including agriculture, Portland cement, home construction, and without providing definitive benefits to the environment.

In my home State of Kansas, representatives speaking on behalf of a number of Kansas energy producers estimated costs to industry of over \$300 billion over the next 5 years to comply with a multitude of proposed EPA regulations dealing with air, water, and CCB management. Three hundred billion dollars. That is unreasonable, and

is probably the mildest thing I can say. These are real numbers that will doubtlessly drive up the cost of energy Kansans rely on to heat their homes and drive our Nation's agricultural industry.

Unfortunately, the negative impacts resulting from the multitude of new, overly burdensome EPA regulations don't stop with agriculture and energy. Beyond affecting the way people power their homes and businesses, the administration has even moved to regulate what cars Americans can drive. This was made evident by the EPA and the National Highway Traffic Safety Administration's decision last year to begin mandating greater fuel economy and emissions standards for all passenger vehicles and light-duty trucks. Recent analysis has estimated this new regulation will cost the already struggling automobile industry upwards of \$10.8 billion to comply, and consumers up to about \$1,000 per vehicle in higher purchasing prices. They just pass the costs on. So if you want to buy a new pickup down the road, it will be \$1,000 more.

While EPA has garnered much of the attention in my State for its efforts to make energy more expensive, from a national perspective, the Department of the Interior shares similar responsibility for pursuing policies that not only make energy more expensive but also make our country more reliant on foreign, and oftentimes unfriendly, sources of energy. For example, under the current administration, the Department of the Interior has canceled 77 oil development leases in Utah that were located within a larger formation covering three States that the Bureau of Land Management has estimated contains around 800 billion barrels of oil, more than three times the proven reserves in Saudi Arabia.

Why? Why would we revoke these leases? That question has to be asked and answered. We are speaking of 800 billion barrels of oil. No, they can't go do that. This, of course, is in addition to the gulf of Mexico deepwater drilling moratorium imposed last summer which has had a lasting negative effect on the gulf coast economy.

The President said yes, you can go ahead and drill, but the safety regulations are such that a lot of companies that were drilling have left or are leaving. However, foreign competition is drilling in the same place. That doesn't make sense.

Beyond the regulatory burdens, it is also essential we focus on removing redundant programs within the various Federal agencies. Listen up. Every upset taxpayer should know this and, more importantly, demand action from this Congress. Last month, the administration's own Government Accountability Office—the famous or infamous GAO—released a report highlighting hundreds of duplicative programs currently on the books that cost American taxpayers billions of dollars every year.

You get into double digits when you are counting the number of programs all of us want to depend on and all of us think are important, but they are duplicative. They are doing the same thing. As I say, it is costing American taxpayers billions of dollars every year.

While separate from regulatory oversight, this study further amplifies the importance that we take a serious look at our Federal agencies and put in place appropriate oversight, review, and revocation where needed.

It is for these reasons that I believe Congress must move forward with solutions that remove overly burdensome regulations and create an environment that doesn't hinder energy production and use of those resources that make the most economic sense while still protecting, yes, our clean water, clean air, and do what we can in regards to CO<sub>2</sub> emissions.

Understanding this, last month, I, along with 30 other Senators, introduced the bill I was talking about—the Regulatory Responsibility for our Economy Act. The bill moves to codify and strengthen the President's January 18 Executive order that directs agencies within the administration to review, modify, streamline, expand or repeal those significant regulatory actions that are duplicative, unnecessarily overly burdensome, or would have significant economic impacts on Americans.

Those are the President's words right there. I agree with them. I applaud the President for saying that. While I agree in principle with President Obama that we need to take a serious look at both current and proposed Federal regulations, I don't believe his Executive order actually does what it purports to do. There are too many loopholes and no teeth.

Specifically, my bill moves to hold accountable independent agencies which are exempt under his Executive order, such as the FDIC, the SEC, and the EPA that are not covered under President Obama's Executive order. The EPA came up and said: We are doing the public good. Then they followed that crazy paragraph I will read in a minute and said: We are okay. We are not issuing any regulations that hurt anybody.

I just attended the Commodity Classic, made up of all farm organizations, all commodity groups out in Great Bend, KS, and the No. 1 issue: regulations. Why on Earth are you putting out all these regulations that are about to put us out of business? You go right down the line and any group, any association, any business all throughout America are saying: PAT, what are you doing strangling us with all these regulations? What are you guys doing? My response is: I am not a "you guys," I am an "us guy," and I am trying to do something about it.

Specifically, my bill moves to hold accountable these independent agencies. It also removes from the Execu-

tive order highly subjective language that directs each agency to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible, and—here comes the paragraph I defy you, Mr. President, and I defy any of our highly skilled and educated people on the dais, I defy this nice young lady taking down my words the best she can, or anybody listening to this to understand—each agency may consider and discuss qualitatively—this is the way they look at a regulation to determine whether they are going to issue that regulation or not—values that are difficult or impossible to quantify, including equity, human dignity, fairness, and distributive impacts.

That statement is amorphous. It is synonymous with amorphous. I defy anybody to try to determine what that means, except what you want it to mean. So that statement now wins the gobbledygook award of the month. I think I am going to come down here every month and award a gobbledygook statement in the regulatory field that is about to drown us all as the gobbledygook statement of the month—and that sure hits it. It doesn't take a legislative scholar to understand that this language creates a loophole large enough to drive a grain truck through and renders the order meaningless. That is why passage of my regulation is so critically important.

I invite my friends on both sides of the aisle to please sign on as a cosponsor of my legislation, realizing the immense opportunities it creates for meaningful review and possible revocation of regulations counter to our Nation's growth, along with the GAO report outlining specific duplication of Federal programs, a report that defies PowerPoints or charts—couldn't do it; a maze of too many programs trying to do the same thing. If we don't do this, we are going to cost the business community of America and all Americans billions of dollars and get nothing in return in regard to environmental benefits.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

#### GOVERNMENT SPENDING

Mr. MCCONNELL. Mr. President, as we reengage in the ongoing debate over government spending this week, it is worth noting that some on the other side appear to have already decided to fold up their tents.

Last week, Republicans showed we could change the status quo in Washington by cutting government spend-

ing. It was a small step but a step in the right direction. Some of us were hopeful momentum was finally building for the bipartisan consensus that would enable us to cut even more government red ink this week.

The assistant majority leader seems to have had enough. Yesterday, he said cutting \$6 billion pushes the limits of what is needed to live within our means. This is ludicrous, Mr. President. So far this fiscal year Washington has spent nearly \$650 billion more than it has taken in—this year. That is a little more than \$4 billion a day that Washington is spending over and above what it has to spend.

Senator DURBIN thinks Democrats in Congress have pushed the limits of responsibility by agreeing to cut \$6 billion more this year. Imagine if every American had the same approach to their credit card bills. Imagine calling up your credit card company and asking first if you could just freeze your out-of-control spending habits in place. Then when they say no, imagine telling them you don't want to cut down your monthly spending because you prefer living outside your means.

That is the logic of our friends on the other side. Now, according to this logic, they would rather draw a line in the sand than agree to cut another dime in spending at a time when Washington is spending about \$4 billion more every single day than it is taking in.

Republicans have been hopeful that we could make progress and reach a bipartisan solution on this issue. It is my hope that the assistant majority leader was speaking for himself and not for his entire conference.

This, of course, is the debate that most people in Washington will continue to be focused on this week, and it is an important debate. But focusing on day-to-day expenses threatens to obscure an even larger threat. Here I am talking about, of course, entitlement programs such as Social Security, Medicare, and Medicaid.

Anyone who has looked at these programs closely knows they are becoming unaffordable, that doing nothing risks not only the future of these programs themselves but our Nation's future as well. Anyone who looks at history also knows the best time to address a crisis such as this is a time such as right now, when two parties share power in Washington. This is the time.

I have made the case for action publicly and in private conversations with the White House. As Republican leader, I put this issue front and center my first day on the job. Four years ago, I came to the floor and said the demographic changes taking place in America made it incumbent upon us as a body to reform Social Security. Two years later, when the American people put a Democrat in the White House, I renewed my call to action. I said Republicans stood ready to work with the President on entitlement reform. I repeated that call again 4 months ago