

whether they come up this afternoon at 4 o'clock or another time, that would let polluters off the hook, that would increase our dependence on oil, that would decrease the mileage efficiency of automobiles and light trucks and would harm the environment.

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

The PRESIDING OFFICER. The clerk will call the roll.

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

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

EPA REGULATIONS

Mr. ROCKEFELLER. Mr. President, all of my colleagues, I think, know by now, after all of these months, almost years, how deeply I feel about the need to stop EPA regulation for a period of time so Congress can have the time we need to develop a smart energy policy, which we have not. It is enormously important to the people of West Virginia.

Having said that—and I will say quite a lot more—I cannot tell you how strongly opposed I am to the McConnell-Inhofe amendment, not only because it eviscerates EPA from some fundamental responsibilities it has—for example, CAFE standards—but it has absolutely no chance whatsoever of becoming law—none. Mine does. Theirs does not.

Do we think we are going to pass, and the President is going to sign, something that eliminates EPA forever? Oh, they will say: Well, we can always change that in a couple years. No, it is not that. It is a theological decision to pick out a campaign issue for 2012, and that is fine because that is the way things go. But to destroy the EPA permanently is an act I have not seen since I came here. There will be people in many States, including my own, who think that is a wonderful idea, but I would ask them to think more deeply.

The McConnell-Inhofe amendment makes a point, but it doesn't solve a problem. I am here to solve problems. So is the Presiding Officer. The amendment would take away EPA's ability to address greenhouse gas emissions forever. It doesn't make any difference what happens 5 years, 10 years from now—all the nuances that have to be made in policy or in regulation; if the air starts cleaning up, maybe things can lighten up a little bit; if it doesn't clean up, maybe we have to do something. But they want to take away and put out of business forever the EPA, which looks out for the health and the safety of everyone who lives here, and it would be permanently banned from doing its job. Is this an adult amendment? It can't be.

People must only be looking at the next election, or they must be afraid.

To be afraid of voters is not a good thing. That is a quick way to lose. Telling the voters the truth—the Presiding Officer is pretty good at this—is what is more important in public policy. So they burn EPA forever. They can't do anything, no matter what we know or what we learn in the future about greenhouse emissions. They want the total elimination of EPA's role, with no other structure in place. Having nothing in place is irresponsible, unrealistic, and immature.

What we need is a timeout to stop the imposition of EPA regulations—regulations that don't allow for the development of clean technologies, and that would hurt the economy at a critical time in our recovery, but to do it in a way that keeps us all focused and working on a long-term energy policy which doesn't say close down. We should have a pause here, the pause that hopefully refreshes our ability to do clean energy policy. My bill would be effective from the date of its passage, were it to pass, so it would be 2 years. That is plenty of time to be able to come up with an energy policy. We have avoided doing that for so long now, and I think a lot of that is politics, and it is very sad.

The Environmental Protection Agency, I have to say, including to my own constituents, is not a frivolous agency. It is the object of much scorn in my State and a lot of States that produce coal and probably in the minds of a lot of Senators. It was created to regulate pollution. We think back to wartime London where people couldn't see 5 feet in front of their faces. I think back to when I was a student in Japan for 3 years at the end of the 1950s, and we couldn't see 3 feet in front of our faces. Now all of a sudden we can see for thousands of miles, so to speak, because the air is clean.

Again, the Environmental Protection Agency is not a frivolous agency. It was created to regulate pollution. That is its job. Does that make it uncomfortable? Yes. Does that make me want to pass my amendment? Yes, to have a stop for a period of 2 years where they cannot go to stationary sources and others and say that you can't do anything. It is a pause, but at the end of the pause, it doesn't put EPA out of business—that would be crazy.

It is Congress's job to legislate, and that includes energy policy—granted, stipulated. I think the Presiding Officer would say that is lawyer's speak: It is stipulated. It makes it a fact. Congress passed the Clean Air Act in 1970 and has updated it in the decades that followed. Is the Clean Air Act perfect? Certainly not. Certainly not. Very few laws ever are, which is why we are always open to making them better. But eviscerating the EPA's ability to do its job forever is nonsense. It is childlike: I will take my football and I am going home. It feels good.

Some folks will get up and cheer, standing up for coal. We know what this does. This is standing up for nat-

ural gas. We have a lot of natural gas in West Virginia. Natural gas has 50 percent of the carbon dioxide that coal does. So people think that by doing this, people are going to go ahead and burn coal in powerplants and other places. They are not. North Carolina already has 12 powerplants which are being switched from coal to natural gas—probably more by now. That was about a year ago. Ohio is doing some of the same. Other States are doing some of the same. Natural gas is abundantly plentiful. I like natural gas. It is a terrific thing. It is 50 percent as dirty as coal, but it is less dirty and it is cheaper. So powerplants are going to that.

I am trying to figure out in my mind, How does that help West Virginians? How does that help West Virginia coal operators or, more importantly to me, coal miners? If people are suddenly making up their mind that they are going—and I have had the president of American Electric Power tell me this directly: Of course we will switch to natural gas. He put it more succinctly. He said: I would use banana peels if they could produce heat. They don't stay with coal out of loyalty. They have to deal with certainty. Here we create permanent punting about what the landscape is going to be for energy use and the making of electric power in our country.

Again, may I please bring up once again that this bill has no chance of becoming law—the McConnell-Inhofe bill has no chance of becoming law. So why do they do it? They have to know that. I don't think it will pass here. It certainly isn't going to pass at the White House. In politics you can say, Oh, I wish there were a Republican President in the White House. There isn't. There is a Democratic one. He is not going to let this happen. He is not going to have an executive agency with an enormous amount to do with CAFE standards and all kinds of regulations obliterated, eviscerated, eliminated. He won't do that. He will veto it if it should ever get that far.

So what is going on in their minds? What do they think they are doing? Are they trying to impress their constituents, holding high a banner saying, Look, I am courageous; I will get rid of this whole EPA thing and we can all celebrate together? Pretty shortsighted, I would say. Pretty shortsighted. Feel good? Yes. Do good? No.

I think it is well known in West Virginia we have very serious disagreements with EPA. I say all kinds of things about the EPA constantly in all kinds of situations, but people do care about clean air. They do care about clean water also. It is not a sin. Sometimes in America you can get the best of both worlds. We want a strong future for clean coal and we want a national energy policy that protects and promotes clean coal.

Let me make a point. When I say the words "clean coal," the only hearing of that is "coal." People don't hear the word "clean." So I have to make a

point here. Don't blame coal miners for this. Coal miners go into the mines every day in these unbelievably difficult situations and they mine the coal that is there. It has been there for a billion years that God put there. That is their job. Maybe it is high ash; maybe it is low ash. Maybe it is high sulfur; maybe it is low sulfur. They mine what is there, and then that gets shipped to a powerplant or to other countries for steel-making purposes.

One of the ironies about all of this is some of the loudest anti my amendment—my little 2-year amendment that stops at the end of 2 years—comes from coal operators who actually don't ship much coal to powerplants. They ship most of their coal, because it is low sulfur, overseas to the growing market in South Korea and China and a lot of other places, including Japan. So what difference does it make to them? None. But they want to be in the chorus so they join the chorus about let's get rid of EPA. They are not affected. They are mainlining it right overseas and making tons of money because it is very low sulfur coal and very good for making steel.

We know if coal is frozen in time the way Senators McCONNELL and INHOFE are proposing, it will be rapidly eclipsed by other energy sources. Oh, yes, most especially natural gas. We have so much natural gas in West Virginia that you could swim in it if you could get about 10, 15 feet underground. I like natural gas. It is a great asset to have it in Marcellus Shale. The problems of fracking can be solved, and will be through technology. But that is what is going to happen. Then our coal miners are going to look at some of their representatives on both sides of the aisle here and in the House and they are going to say, Now wait a second. I thought you were protecting me. How come I am not mining coal? How come some of these powerplants have now switched to natural gas, in the majority, let's say, a few years from now?

So McConnell-Inhofe as an amendment codifies the vicious uncertainty that is threatening coal today. Electric utilities are right now making, as I have indicated, investment decisions based upon that uncertainty. It is a bad place from which to make a decision. And with very few exceptions, logically—that means they are not building or rebuilding coal-fired plants—natural gas will overtake coal. West Virginia wins in either case because we have so much coal, we have so much natural gas. But in this particular amendment, I am trying to protect coal miners and their jobs by having carbon capture and sequestration, by having a policy, and there are others that are out there. We already have two in West Virginia which are taking more than 90 percent of the carbon out of coal. They are at work. American Electric Power Company, Dow Chemical Company, they are both doing that, both making money out of it, and

yes, the government helps. But they are taking more than 90 percent of the carbon out of coal. Doesn't that turn coal into clean coal? Isn't clean coal what we want? Isn't that what we have to have?

This is all part of a drive for an energy future for West Virginia coal miners and others, other people around the country, for a clean energy future. In effect, my amendment is a timeout. It is the timeout we need. It is the only option on the table that can pass. It can pass. It is fine to bring an amendment here which makes us feel good—muscular, antigovernment, let's make government smaller; let's get rid of government—and swell your chest and feel good and put out a great press release, but then it ends up not passing the Senate or it ends up getting vetoed. One of the two is going to happen. So it is a nonstarter.

I think a lot of those on the other side of the aisle are going to throw the vote for political purposes, as I indicated. If we can remember back to the Omnibus Act in December of last year, the Chamber of Commerce, the National Association of Manufacturers, the coal association, all Republicans had agreed to vote for my 2-year amendment.

It was a timeout amendment. All of them. The papers calculated who it was, how we would get the 60 votes, and we got there. And then what happened—and this is a little bit in the weeds, and I apologize for that—but all of a sudden, nine Republicans withdrew from that omnibus agreement, so there was no way for it to come up. Why? I don't know. Was that the beginning of a massive plan of thinking that we are going to make this an issue for the next 2 years so we can wipe out more Democratic seats? It certainly doesn't have anything to do with energy policy.

As I say, my amendment said that for a period of 2 years, the EPA will not have the power to enforce greenhouse gas rules on stationary sources, including powerplants, manufacturers, and refineries. So they cannot do anything for a period of 2 years—regulatory—about powerplants, manufacturing companies, or refineries—for 2 years. The moratorium would last for 2 years, and then it would stop. Why? Because 2 years is, in fact, enough time, if we can get ourselves together around here, for serious people to come up with a serious energy policy that includes clean coal and everything else on the face of the Earth that works to get our country off of foreign oil.

Two years is enough time to develop a plan to build the carbon capture and sequestration technologies and get them accepted by Wall Street, which will fund them endlessly once they are convinced they are working on a sufficient scale. As I say, this is being demonstrated by the American Electric Power Company and the Dow Chemical Company in West Virginia right now. I will repeat that they are taking 90 per-

cent of the carbon out of coal. It sounds like a good deal, to me. Natural gas has 50 percent carbon. Clean coal would have 10 percent carbon. Which is a better deal? I think the second one is. My amendment would lead to that.

I would say 2 years is enough time to get past this pointless debate about whether climate science is real and find common ground and find solutions that create jobs, protect the air we breathe, and make us energy independent.

Two years is enough time to take the big decisions about greenhouse gases out of the hands of the regulators at EPA and put them back in the hands of Congress. Greenhouse gas emissions are an enormously important issue, but they are not the only problem we face, and they cannot be allowed to take precedence over every other matter that affects our people. We really can find ways to solve this problem, protect our core industries, and lessen the costs.

The joint CAFE rule—it is a big deal—between the EPA and the Department of Transportation is a case in point and relevant to the debate today because it is also undermined by the McConnell-Inhofe amendment. The CAFE rule saves Americans billions of gallons of gasoline and reduces our dependence on foreign oil. It does it very explicitly. It keeps going up. The air gets cleaner. I think the figure is that transportation overall is something like 50, 60—maybe a little more—percent of our air pollution problems. CAFE standards become very important.

Most of us believe strongly that we need to make our cars more efficient, not just for the environment but also because of the high cost of gasoline and its impact on every American family, not to mention our national security. But under the McConnell-Inhofe amendment, EPA could never again work on fuel-efficiency standards. The recent progress we have made, which is so widely supported by industry and the American people, could be undermined. This is not a solution; it is a permanent punt—or maybe a stunt. I will not support that.

Last year, my colleagues on the other side of the aisle overwhelmingly declared their support for my amendment, as I said. The daily newspapers had come out on the Hill and calculated the 60 votes that I had to overcome a filibuster. The U.S. Chamber of Commerce was all for it.

Suddenly, some seem to want to have a fight more than a policy, and they want to have a fight for the next election more than a policy, more than they want to work together to solve the problem. Suddenly, they say: Stopping the EPA for 2 years isn't good enough; we can stop them permanently. Folks back home would love that. They say they would rather stand by and do nothing if they can't stop the EPA forever. In effect, that is correct. They think the American people will not see through that.

My amendment has been around for over a year now. People know what it does. So to call this a cover vote is disingenuous at best.

EPA's regulations that came into effect this year say that if a company wants to retrofit an existing one or build a new powerplant or factory, they now have to find ways to reduce greenhouse gas emissions. Because of these new rules, companies won't build that new factory, that new powerplant, or employ some of the millions of Americans who are out of work. That is why I believe these regulations need to be suspended. That is in my amendment.

Senator INHOFE has repeatedly argued that Congress needs to make these decisions. I agree with that. My bill would give Congress the time it needs to discuss the options, and my approach creates a reasonable timeout. Doing away with EPA authority doesn't give clarity; it indefinitely kicks the can down the road. My amendment, which unfortunately will come whenever it comes, no doubt won't do particularly well because all of the folks on the other side and some, unfortunately, on this side will vote for that because they think it sounds kind of neat. It probably won't do very well, but that doesn't mean it is not right.

Let's have real solutions, such as clean coal that must play a role in meeting our energy needs, and let's be sensible and bipartisan about it. West Virginia is ready to provide that coal, and so are a lot of other States.

I urge my colleagues to support my amendment and quickly turn to a discussion about our Nation's energy future.

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

The PRESIDING OFFICER (Mrs. MCCASKILL). The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

GLOBAL WARMING

Mr. SESSIONS. Madam President, briefly, with regard to the debate over the limitations of CO₂, global warming gases, and the Environmental Protection Agency, Congress has never made a decision on this. The way it came out, in my view, is an example of judicial activism and a dangerous end run around popular sovereignty in America.

Forty years ago, Congress passed the Clean Air Act. That act was designed to deal with particulates and mercury and NO_x and SO_x—things determined to be pollutants. There was no thought at that time that carbon, or CO₂, was a warming gas that would create global warming. It was before the global warming discussion really ever was generated.

Congress had no intention whatsoever to say that carbon dioxide, which is a plant food, which is not harmless to human beings and had never been classified as a pollutant, would be placed under the total control of the Environmental Protection Agency. But later an activist Supreme Court—5-to-4—seemed to say, but not with perfect clarity, that because now we know or we think some say that CO₂ is a global warming gas that could cause global warming, the EPA must regulate what really is a plant food and had never been considered to be a pollutant.

I think Congress needs to act. I think Congress needs to assume responsibility. We need to say: No, we are not prepared to direct that the Environmental Protection Agency control all CO₂ emissions in the country. We never intended that. We are not prepared to do that. If we want to start down that road, we in Congress will figure out how we should start down that road and how much ought to be done. But no group of bureaucrats should be empowered to regulate every farm, every apartment building, every schoolhouse, every automobile, every vehicle, every train, much less every electric-generating plant in the country.

It is a big deal about reality and power in America. It is just one more example of how judges and bureaucrats are utilizing powers really never intended to be given to them. Really, they sort of create that to impose their agenda on the rest of the country. I believe we should back away from that. That is why I support Senator INHOFE in his view.

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.

Mrs. SHAHEEN. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. KLOBUCHAR). Without objection, it is so ordered.

EPA AMENDMENTS

Mrs. SHAHEEN. Madam President, I am here to join my colleagues who have been on the floor of the Senate today, with the leadership of Senator BOXER, to oppose amendments that would undermine the Clean Air Act. The Clean Air Act has been one of the greatest public health success stories we have ever had in this country. In 1970, Republicans and Democrats came together to pass this landmark legislation to address air pollution that was leading to countless deaths and lifetimes spent battling chronic illness, illnesses such as asthma and emphysema. That legislation, back in 1970, was signed into law by President Richard Nixon.

It is very clear that the threat of greenhouse gas emissions to public health is real. Two years ago the EPA

found that manmade greenhouse gas emissions threaten the health and welfare of the American people. Their decision was not made in a vacuum and, despite what some of the supporters of these harmful amendments may claim, EPA's decision was based on the best peer-reviewed science. They were guided by the best science protecting the public health, not politics. The American Lung Association, the American Public Health Association, the Trust for America's Health and the American Thoracic Society—some of our Nation's leading public health experts—all opposed these misguided efforts to stop EPA from protecting our clean air.

We have heard the same story from polluters over and over. Today they tell us that reducing carbon pollution through the EPA will wreck our economy. Back in 1970, and then again in 1990, they said the Clean Air Act would wreck our economy. Time and again we have heard the same arguments, and they have not been true. It reminds me of Aesop's fable of the boy who cried wolf.

Since we passed the Clean Air Act of 1970, we have dramatically reduced emissions of dozens of pollutants. We have improved air quality, and we have improved the public health. The EPA estimates that last year alone the Clean Air Act prevented 1.7 million asthma attacks, 130,000 heart attacks, and 86,000 emergency room visits.

This is particularly important to us in New Hampshire and in New England because we are effectively the tailpipe of this country. In New Hampshire we have one of the highest rates of childhood asthma in the country because we are still phasing out some of the coal-fired plants in the Midwest that are causing these air emissions.

During the same period—since the Clean Air Act saved all of those illnesses and deaths last year—we have been able to grow our economy. Our gross domestic product has more than tripled, and the average household income has grown more than 45 percent. So we know we can protect public health, we can save our environment, and we can grow our economy.

I recognize that as Governor of New Hampshire when, back in 2001, we passed the first legislation in the country to deal with four pollutants because we understood that we needed to clean up our air and that we could do that and protect public health and keep a strong economy all at the same time. I wish that same can-do spirit and bipartisanship that led to the passage of the Clean Air Act in 1970 and then later the Clean Air Act amendments in 1990—I wish that same can-do spirit existed today to address carbon pollution. Instead of debating amendments to undercut the Clean Air Act, we should be working together to enact commonsense legislation to reduce carbon pollution and to continue to grow our economy.