

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 Madam President, I ask unanimous consent that the order for the quorum call be rescinded.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

I have no doubt that the American people have the ingenuity and the competitive spirit to solve our energy challenges. What they need from us in Washington is leadership.

I urge my colleagues to reject these amendments and then to work together to craft energy policies that can help move us away from a carbon economy and transition to a clean energy economy.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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 Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

BUDGET TALKS

Mr. SCHUMER. Madam President, I rise to speak about the current status of the ongoing bipartisan budget talks. We are in a much better place than we were 2 weeks ago. The two sides are much closer than we might be able to tell from the public statements. After 3 months of back and forth, two short-term continuing resolutions containing cuts, and one near collapse of the talks last week, we are finally headed for the homestretch.

Last night, we had a very good meeting with the Vice President. Afterwards, he confirmed that the House Republicans and we in the Senate are, for the first time in these negotiations, working off the same number. As the Vice President said last night, there has been agreement to meet in the middle, around \$33 billion in cuts. The Appropriations Committees on both sides are now rolling up their sleeves and getting to work to figure out how to best arrive at that number.

Today, Speaker BOEHNER said: Nothing is agreed to until everything is agreed to. That is a fair and reasonable position to take. He need not publicly confirm the \$33 billion number. But as long as both sides keep their heads down and keep working, a deal is in sight. We are right on the doorstep.

But there are outside forces that do not like this turn of events. Outside the Capitol today, there was a tea party rally staged to pressure Republican leaders not to budge off H.R. 1. They want Speaker BOEHNER to abandon these talks and hold firm, even if that means a government shut down on April 8. This is a reckless, and, yes, extreme position to take.

Earlier today, the Republican leader came to the floor to defend the tea partiers rallying outside this building. Let me say this. I agree with some of his points. For instance, I agree that the fact that the tea party is so actively participating in our democracy is a good thing. They have strongly held views and they joined the debate. This is as American as it gets.

But the tea party's priorities for our government are wrong. Their priorities are extreme because they are out of step with what most Americans want. Every poll shows Americans want to cut spending but with a smart, sharp scalpel, not a meat ax. They want to eliminate the fat but not cut down into the bone. They want to focus on waste and abuse. They want to cut oil and gas subsidies. They want to end tax breaks for millionaires.

They do not want to cut border security or port security funding that keeps us safe. They do not want to take a meat ax and cut vital education programs. They do not want to end cancer research that could produce research that saves many lives. Most of all, unlike the tea party, most Americans do not want the government to shut down. They want both sides to compromise.

A deal is at hand if Republicans in Congress will tune out the tea party voices that are shouting down any compromise. These tea party voices will only grow louder as we get closer to a deal, and our resolve must remain strong. If the Speaker will reject their calls for a shutdown, we can pass a bipartisan agreement. Many conservatives whom I would otherwise disagree with, agree with me on at least this point.

It was very interesting to see on FOX News yesterday three commentators all on the same show, plainly agreeing it is time to accept a compromise with Democrats to avert a shutdown. Charles Krauthammer was adamant that a shutdown would be avoided and that if the government did shut down, the Republicans would be blamed.

Kirsten Powers, a conservative columnist, said: "What really should happen is if Boehner could strike a deal with the Blue Dogs and the moderate Dems and just go with the 30 billion with the Senate and just move on."

Bill Kristol agreed that while Republicans may like to pass a budget solely on their terms with only Republican votes, the reality is, the Speaker would need Democrats to get a deal done.

The tea party may have helped the Republicans win the last election, but they are not helping the Republicans govern. The tea party is a negative force in these talks. But we are close to overcoming this force and cutting a deal.

As the negotiations enter the homestretch, here is how we should define success: First and foremost, a government shutdown should be avoided. We should all agree on that. It bothers me when I hear some on the other side of the aisle or in the tea party say: We should shut down the government to get what we want.

Second, the top-line target for cuts should stay around the level described by the Vice President and that both parties are working off of. This makes complete sense, since \$33 billion is the midpoint between the two sides, and it is what Republicans originally wanted

in February before the tea party forced them to go higher.

Third, the makeup of the cuts, as I suggested a few weeks ago, should not come only from domestic discretionary spending. We cannot solve our deficit problem by going after only 12 percent of the budget. Mandatory spending cuts must be part of the package, and the higher the package goes, the more the proportion should be tilted in favor of mandatory rather than discretionary spending.

Fourth, the most extreme of the riders cannot be included. There are some riders we can probably agree on. But the EPA measure is not one of them, neither is Planned Parenthood or the other extreme riders that have been so controversial.

I believe we can settle on a few measures that both sides think are OK. But the most extreme ones do not belong in this budget bill. Those are issues that should probably be debated but not as part of a budget and not holding the budget hostage to them. If we can adhere to these tenets, we can have a deal both sides can live with. Time is short, and we need to begin moving on to the pressing matter of the 2012 budget.

Speaking of the 2012 budget, let me say a quick word about that. I saw today that House Republicans planned to unveil their blueprint next week. Interestingly, the report said Republicans no longer plan to cut Social Security benefits as part of that blueprint. They are admitting it is not a major driver of our current deficits. That is true, and this is a positive development.

It comes after many of us on the Democratic side, including Leader REID and myself, have insisted that Social Security benefits not be cut as part of any deficit-reduction plan. It is good to see that Republicans, including the House Budget chairman, according to the reports in the paper, now agree with us. His original plan called for privatizing the program. I hope we are not going to bring up that again because it will not pass.

But if the House Republicans instead simply insist on balancing the budget on the backs of Medicare recipients instead of Social Security recipients, we will fight them tooth and nail over that too. There has to be give on all sides—shared sacrifice, not just in any one little area.

A lot is at stake in the current year's budgets. But in another sense, it is simply a prelude to the larger discussions ahead. We urge the Speaker to resist the tea party rallies of today and the ones that are to come, to accept the offer on the table on this year's budget, and let us tackle the larger topics that still await us.

Mr. NELSON of Florida. Would the Senator yield for a question?

Mr. SCHUMER. I would be happy to yield to my friend from Florida.

Mr. NELSON of Florida. In the Senator's opinion, why would the Republicans, particularly from the House of