

SBIR/STTR REAUTHORIZATION ACT  
OF 2011—Continued

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, I understand Senator VITTER will seek recognition to offer some amendments. I ask unanimous consent that after Senator VITTER has offered his amendments, I be recognized for up to 10 minutes as in morning business.

The PRESIDING OFFICER. Is there objection?

Mr. INHOFE. Mr. President, reserving the right to object—

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. If the Senator amends his request that at the conclusion of his remarks we return to amendment No. 183.

The PRESIDING OFFICER. Does the Senator so amend his request?

Mr. INHOFE. Mr. President, I think the Senator was distracted over there. If the Senator would amend his unanimous consent request so that we would return to amendment No. 183 at the conclusion of his remarks.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. INHOFE. Mr. President, I yield the floor to the Senator from Maryland.

Mr. CARDIN. Mr. President, I ask unanimous consent to be able to speak as in morning business.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

## HUMAN RIGHTS

Mr. CARDIN. Mr. President, I rise today to share my thoughts on the hearings held last week in the House of Representatives called “The Extent of Radicalization in the American Muslim Community and that Community’s Response.” Congressional hearings are supposed to serve as an important role of oversight, investigation, or education, among other purposes. However, this particular hearing—billed as the first of a series—served only to fan flames of fear and division.

My first concern is the title of the hearing—targeting one community. That is wrong. Each of us has a responsibility to speak out when communities are unfairly targeted.

In 1975, the United States joined all the countries of Europe and established the Conference on Security and Cooperation in Europe, now known as the OSCE. The Congress created the U.S. Helsinki Commission to monitor U.S. participation and compliance with these commitments. The OSCE con-

tains commitments in three areas or baskets: security, economics, and human rights. Best known for its human rights advancements, the OSCE has been aggressive in advancing these commitments in each of the OSCE states. The OSCE stands for religious freedom and protection of minority rights.

I am the Senate chair of the U.S. Helsinki Commission. In that capacity, I have raised human rights issues in other countries, such as in France when, in the name of national security, the Parliament banned burqas and wearing of all religious articles or when the Swiss restricted the building of mosques or minarets.

These policies were restrictive not only to the religious practice of Muslims but also Christians, Jews, and others who would seek to wear religious symbols and practice their religion as they saw fit.

I have also raised human rights issues in the United States when we were out of compliance with our Helsinki commitments. In that spirit, I find it necessary to speak out against the congressional hearing chaired by Congressman PETER KING.

Rather than constructively using the power of Congress to explore how we as a nation can use all of the tools at our disposal to prevent future terrorist attacks and defeat those individuals and groups who want to do us harm, this spectacle crossed the line and chipped away at the religious freedoms and civil liberties we hold so dearly.

Radicalization may be the appropriate subject of a congressional hearing but not when it is limited to one religion. When that is done, it sends the wrong message to the public and casts a religion with unfounded suspicions.

Congressman KING’s hearing is part of a disturbing trend to demonize Muslims taking place in our country and abroad. Instead, we need to engage the Muslim community in the United States.

A cookie-cutter approach to profile what a terrorist looks like will not work. As FBI Director Mueller recently testified to the Senate:

... during the past year, the threat from radicalization has evolved. A number of disruptions occurred involving extremists from a diverse set of backgrounds, geographic locations, life experiences, and motivating factors that propelled them along their separate radicalization pathways.

Let us remember that a number of terrorist attacks have been prevented or disrupted due to informants from the Muslim community who contacted law enforcement officials.

I commend Attorney General Holder and FBI Director Mueller for increasing their outreach to the Arab-American community. As Attorney General Holder said:

Let us not forget it was a Muslim-American who first alerted the New York police to a smoking car in Times Square. And his vigilance likely helped to save lives. He did his part to avert tragedy, just as millions of

other Arab-Americans are doing their parts and proudly fulfilling the responsibility of citizenship.

We need to encourage this type of cooperation between our government and law enforcement agencies in the Muslim community.

As the threat from al-Qaida changes and evolves over time, the piece of the puzzle is even more important to get right. FBI Director Mueller testified before the House recently that:

At every opportunity I have, I reaffirm the fact that 99.9 percent of Muslim-Americans, Sikh-Americans, and Arab-Americans are every bit as patriotic as anyone else in this room, and that many of the anti-terrorism cases are a result of the cooperation from the Muslim community and the United States.

As leaders in Congress, we must live up to our Nation’s highest ideals and protect civil liberties, even in wartime when they are most challenged. The 9/11 Commission summed up this well when they wrote:

The terrorists have used our open society against us. In wartime, government calls for greater powers, and then the need for those powers recedes after the war ends. This struggle will go on. Therefore, while protecting our homeland, Americans must be mindful of threats to vital personal and civil liberties. This balancing is no easy task, but we must constantly strive to keep it right.

I agree with Attorney General Holder’s recent speech to the Arab-American Anti-Discrimination Committee, where he stated:

In this Nation, our many faiths, origins, and appearances must bind us together, not break us apart. In this Nation, the document that sets forth the supreme law of the land—the Constitution—is meant to empower, not exclude. And in this Nation, security and liberty are—at their best—partners, not enemies, in ensuring safety and opportunity for all.

Actions, such as the hearing held last week, that pit us against one another based on our religious beliefs, weaken our country and its freedoms and ultimately do nothing to make our country any safer. Hearings such as the one held last week only serve as a distraction from our real goals and provide fuel for those who are looking for excuses to find fault or blame in our way of life.

Let’s not go the way of other countries but instead hold dear the protections in our Constitution that safeguard the individual’s right to freely practice their religion and forbid a religious test to hold public office in the United States. Our country’s strength lies in its diversity and our ability to have strongly held beliefs and differences of opinion, while being able to speak freely and not fear the government will imprison us for criticizing the government or holding a religious belief that is not shared by the majority of Americans.

On September 11, 2001, our country was attacked by terrorists in a way we thought impossible. Thousands of innocent men, women, and children of all races, religions, and backgrounds were murdered. As the 10-year anniversary

of these attacks draws closer, we continue to hold these innocent victims in our thoughts and prayers, and we will continue to fight terrorism and bring terrorists to justice.

After that attack, I went back to my congressional district in Maryland at that time and made three visits as a Congressman. First I visited a synagogue and prayed with the community. Then I visited a mosque and prayed with the community. Then I went to a church and prayed with the community. My message was clear on that day: We all needed to join together as a nation to condemn the terrorist attacks and to take all necessary measures to eliminate safe havens for terrorists and bring them to justice. We all stood together on that day regardless of our background or personal beliefs.

But my other message was equally important: We cannot allow the events of September 11 to demonize a particular community, religion, or creed. Such actions of McCarthyism harken back to darker days in our history. National security concerns were used inappropriately and led to 120,000 Japanese-Americans being stripped of their property and rights and placed in internment camps in 1942, though not a single act of espionage was ever established.

The United States should not carry out a crusade against any particular religion as a response to 9/11 or other terrorist attacks. The United States will not tolerate hate crimes against any group, regardless of their religion or ethnicity, and we should not allow our institutions, including Congress, to be used to foment intolerance and injustice. Let's come together as a nation and move forward in a more constructive and hopeful manner.

Mr. President, I yield the floor.

Ms. LANDRIEU. Mr. President, I understand Senator INHOFE and Senator VITTER are both on the floor to offer amendments to the SBIR and STIR Program. Are we under a consent agreement?

The PRESIDING OFFICER. We are not.

Mr. INHOFE. Mr. President, will the Senator yield?

Ms. LANDRIEU. Yes, I yield to Senator INHOFE.

Mr. INHOFE. The pending amendment is No. 183. I ask unanimous consent that it be temporarily set aside for the purpose of introducing amendment No. 161.

Ms. LANDRIEU. Is that Senator VITTER's amendment? Senator VITTER was here, so I wanted him to have the opportunity to offer his. It doesn't matter to me in what order.

Mr. INHOFE. Why not recognize Senator VITTER for his amendment, set aside our amendment temporarily, and then we will get to the Johanss amendment after that.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Louisiana.

AMENDMENT NO. 178

Mr. VITTER. Thank you, Mr. President, and thanks to my colleagues for their courtesies and cooperation.

At this point, I move to temporarily set aside the pending amendment and to call up Vitter amendment No. 178.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER] proposes an amendment numbered 178.

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

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

The amendment is as follows:

(Purpose: To require the Federal Government to sell off unused Federal real property)

At the end, add the following:

SEC. \_\_\_\_ . **SALE OF EXCESS FEDERAL PROPERTY.**

(a) **IN GENERAL.**—Chapter 5 of subtitle I of title 40, United States Code, is amended by adding at the end the following:

“SUBCHAPTER VII—EXPEDITED DISPOSAL OF REAL PROPERTY

“§ 621. **Definitions**

“In this subchapter:

“(1) **DIRECTOR.**—The term ‘Director’ means the Director of the Office of Management and Budget.

“(2) **LANDHOLDING AGENCY.**—The term ‘landholding agency’ means a landholding agency (as defined in section 501(i) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11411(i))).

“(3) **REAL PROPERTY.**—

“(A) **IN GENERAL.**—The term ‘real property’ means—

“(i) a parcel of real property under the administrative jurisdiction of the Federal Government that is—

“(I) excess;

“(II) surplus;

“(III) underperforming; or

“(IV) otherwise not meeting the needs of the Federal Government, as determined by the Director; and

“(ii) a building or other structure located on real property described in clause (i).

“(B) **EXCLUSION.**—The term ‘real property’ excludes any parcel of real property, and any building or other structure located on real property, that is to be closed or realigned under the Defense Authorization Amendments and Base Closure and Realignment Act (10 U.S.C. 2687 note; Public Law 100-526).

“§ 622. **Disposal program**

“(a) **IN GENERAL.**—Except as provided in subsection (e), the Director shall, by sale or auction, dispose of a quantity of real property with an aggregate value of not less than \$15,000,000,000 that, as determined by the Director, is not being used, and will not be used, to meet the needs of the Federal Government for the period of fiscal years 2010 through 2015.

“(b) **RECOMMENDATIONS.**—The head of each landholding agency shall recommend to the Director real property for disposal under subsection (a).

“(c) **SELECTION OF PROPERTIES.**—After receiving recommendations of candidate real property under subsection (b), the Director—

“(1) with the concurrence of the head of each landholding agency, may select the real property for disposal under subsection (a); and

“(2) shall notify the recommending landholding agency head of the selection of the real property.

“(d) **WEBSITE.**—The Director shall ensure that all real properties selected for disposal under this section are listed on a website that shall—

“(1) be updated routinely; and

“(2) include the functionality to allow any member of the public, at the option of the member, to receive updates of the list through electronic mail.

“(e) **TRANSFER OF PROPERTY.**—The Director may transfer real property selected for disposal under this section to the Department of Housing and Urban Development if the Secretary of Housing and Urban Development determines that the real property is suitable for use in assisting the homeless.”.

(b) **TECHNICAL AND CONFORMING AMENDMENT.**—The table of sections for chapter 5 of subtitle I of title 40, United States Code, is amended by inserting after the item relating to section 611 the following:

“SUBCHAPTER VII—EXPEDITED DISPOSAL OF REAL PROPERTY

“Sec. 621. Definitions.

“Sec. 622. Disposal program.”.

Mr. VITTER. Mr. President, right before lunch, I laid the groundwork for this amendment, so let me quickly summarize.

This is one of a series of amendments that conservatives are bringing to the floor that go to our central challenge of reining in uncontrolled spending and debt. Clearly, we face a monumental challenge in this country from the fact that we are on an unsustainable path right now of Federal spending and debt. Clearly, this endangers our future. We are used to talking about it as a threat to our kids and grandkids—something that will come home to roost years from now.

Sadly, in the last several years, it has grown to much more than that. It is such an unsustainable path that it yields the possibility of a crisis within weeks or months or a couple of years. So we cannot kick the can down the road. We cannot fail to act now. We must change the fiscal path we are on to protect not just future generations but our country as we know it right now. In that spirit, a number of fiscal conservatives are coming to the floor to offer spending and debt amendments, and I am honored to be associated with that group. We will see other Senators come down, including Senator CORNYN and Senator RUBIO, Senator DEMINT, Senator PAUL, and others, with other spending and debt amendments.

Amendment No. 178 is a very simple, straightforward idea. It would mandate that the Federal Government, in an orderly way, begin to get rid of billions of dollars worth of unused or underused Federal property. There have been many studies on this topic. They all come to the same bottom line, which is that the Federal Government owns many tens of billions of dollars worth of unused or underused Federal property that not only represents assets that could be liquidated to yield money to the Federal Treasury, but as long as we hold on to it as a Federal Government, it represents enormous ongoing

costs to simply maintain and deal with this unused Federal property.

The Office of Management and Budget says there are over 46,000 underutilized properties but almost 19,000 completely unused properties, with an estimated value between the two categories of \$83 billion. Those properties could be liquidated and that money brought to the Treasury. Also, in the meantime, if we don't do this, that is actually costing us money in terms of upkeep—mowing the grass, if you will, and a lot more other and expensive upkeep.

This amendment is very simple and straightforward to require the Federal Government to sell off or demolish this property and help contribute, in a limited way but an important way, to get us on a different, more sustainable fiscal path.

Again, I commend this amendment to all of my colleagues, Democrats and Republicans. As I said, it is part of a broader effort on this bill—as well as on other bills, I am sure, in the future—to get us on a different fiscal path.

Today and over the next few days, we will be seeing Senators CORNYN, DEMINT, RUBIO, and others coming to the floor with this set of fiscal amendments to nudge, push, pull—anything we can do—this body and the Congress in this important direction before it is too late.

Thank you, Mr. President. With that, I yield the floor.

Ms. LANDRIEU. Mr. President, let me just add a word. I see the Senator from Oklahoma. Again, as the managers of this bill, Senator SNOWE and I have worked across party lines to bring the SBIR bill to the floor. We want to have as open an amendment process as possible. We think that is fair. We would like to really ask people to focus on amendments specific to this legislation. I know time on the Senate floor is precious, and we don't get as much time as we would like to offer our bills and amendments, but we do ask that of everyone so we can try to get this bill to the House and, hopefully, to the President's desk.

Senator INHOFE is here to offer an amendment. We agreed earlier to allow that to happen, so I will turn the floor over to him.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

AMENDMENT NO. 161

Mr. INHOFE. I thank the Senator from Louisiana.

First of all, we are currently on, it is my understanding, amendment No. 183. I ask unanimous consent to set aside the current amendment for consideration of amendment No. 161 by Senator JOHANNIS and ask for its consideration.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows: The Senator from Oklahoma [Mr. INHOFE], for Mr. JOHANNIS, proposes an amendment numbered 161.

Mr. INHOFE. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To amend the Internal Revenue Code of 1986 to repeal the expansion of information reporting requirements to payments made to corporations, payments for property and other gross proceeds, and rental property expense payments, and for other purposes)

At the end, add the following:

TITLE VI—COMPREHENSIVE 1099 TAXPAYER PROTECTION

SEC. 601. REPEAL OF EXPANSION OF INFORMATION REPORTING REQUIREMENTS TO PAYMENTS MADE TO CORPORATIONS AND TO PAYMENTS FOR PROPERTY AND OTHER GROSS PROCEEDS.

(a) APPLICATION TO CORPORATIONS.—Section 6041 of the Internal Revenue Code of 1986 is amended by striking subsections (i) and (j).

(b) PAYMENTS FOR PROPERTY AND OTHER GROSS PROCEEDS.—Subsection (a) of section 6041 of the Internal Revenue Code of 1986 is amended—

(1) by striking “amounts in consideration for property,”; and

(2) by striking “gross proceeds,” both places it appears.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to payments made after December 31, 2011.

SEC. 602. REPEAL OF EXPANSION OF INFORMATION REPORTING REQUIREMENTS FOR RENTAL PROPERTY EXPENSE PAYMENTS.

(a) IN GENERAL.—Section 6041 of the Internal Revenue Code of 1986 is amended by striking subsection (h).

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments made after December 31, 2010.

SEC. 603. INCREASE IN AMOUNT OF OVERPAYMENT OF HEALTH CARE CREDIT WHICH IS SUBJECT TO RECAPTURE.

(a) IN GENERAL.—Clause (i) of section 36B(f)(2)(B) of the Internal Revenue Code of 1986 is amended to read as follows:

“(i) IN GENERAL.—In the case of a taxpayer whose household income is less than 400 percent of the poverty line for the size of the family involved for the taxable year, the amount of the increase under subparagraph (A) shall in no event exceed the applicable dollar amount determined in accordance with the following table (one-half of such amount in the case of a taxpayer whose tax is determined under section 1(c) for the taxable year):

“If the household income (expressed as a percent of poverty line) is:	The applicable dollar amount is:
Less than 200% .....	\$600
At least 200% but less than 300% .....	\$1,500
At least 300% but less than 400% .....	\$2,500.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2013.

AMENDMENT NO. 183

Mr. INHOFE. Mr. President, I ask unanimous consent to return to the pending amendment, amendment No. 183.

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

Mr. INHOFE. Thank you. Again, I thank the Senator from Louisiana.

This is an amendment to the underlying bill. It is a very significant one.

To give a little background, for the last 9 years, I have had an effort to stop legislation called cap-and-trade legislation. It is one that I think everyone now—no one used to hear about it, but everyone is familiar with it now after all these 9 years. It goes all the way back to the Kyoto treaty, when people realized, under the Clinton administration, that we were not going to ratify that treaty. In fact, President Clinton never even brought it up for ratification. But people realized this would be something very, very expensive to America.

So after that, in 2003, 2005, 2008, and on up, there were about seven different times that Members of the Senate brought up different cap-and-trade legislation. It was in 2003 that MIT and the Wharton School came out with analyses of what it would cost to do a cap-and-trade bill. The amount always ranged between \$300 billion and \$400 billion a year. I quite often say, when we are talking about billions and billions of dollars, you have to bring this home so people understand what we are talking about. In this case, in my State of Oklahoma, this would equate to something a little bit over \$3,000 for every family that files a tax return.

The reason I am bringing this up at this time is that they tried to pass this all throughout the years. I think the last one was the Waxman-Markey bill over in the House. It came over to the Senate, and, of course, they didn't have near the votes to pass it over here. I think the most votes they could have gotten at any time in the Senate to pass a cap-and-trade bill was about 30 votes. Obviously, that is not enough.

So this administration decided: Since they won't do it legislatively, we will do what they wouldn't do legislatively through regulations. That is where the Environmental Protection Agency came along and—of course, back when the Republicans were in the majority, I was the chairman of the Environment and Public Works Committee. Now it is Senator BOXER from California, and I am the ranking member. So we have jurisdiction over the Environmental Protection Agency.

I think it is very important that we draw this in and make an attempt to connect the dots and make people realize what we are talking about now. There is great concern in this country about the price of gas at the pumps. It is approaching \$4 a gallon, and this is something of great concern to my wallet and to everybody else I know in the State of Oklahoma.

The problem we have is a bureaucratic problem. It is a problem of this administration not allowing us to exploit the reserves we have in this country.

We hear over and over—or we did; we have not heard it recently—that we have only 28 billion barrels of proven

reserves and that is not enough to provide for our own consumption in this country. I ask us now to go to the CRS report. Less than 1 year ago, Senator MURKOWSKI and I requested a CRS, Congressional Research Service, report. They said, right now, the United States of America has more oil, gas, and coal reserves than any other country in the world.

Let's take first the oil reserves. These are the proven reserves. The problem with using the word "proven" instead of "recoverable" is that proven has to be the result of drilling. We have to drill and know it is there. Obviously, if we have obstacles so that a majority of people, along with the administration, do not want us to drill offshore, do not want us to drill on public lands, and we cannot get in there and prove it, then we have to go back and take the recoverable oil.

This is what the geologists say we have in this country. No one has refuted this, I might add. Instead of being 28 billion barrels, it is 135 billion barrels of oil. If we carry that further, we realize this report is one that shows clearly we could have these huge reserves.

Let's go to natural gas and see what this same CRS report says about natural gas. This chart shows a combination of the fossil fuels; that is, gas, coal, and oil. First is the United States of America. Second is Russia. It shows the United States has greater recoverable reserves than Saudi Arabia, China, Iraq, and these countries combined. There is a huge reserve out there. In fact, the reserves of oil we are talking about, we have the equivalent to replace our imports from the Persian Gulf for more than 90 years. In other words, if we lift the restrictions we currently have in place on drilling for oil, it will be 90 years.

Gas turns out to be about the same. Based on the CRS report, it says the 2009 assessment of the Potential Gas Committee states that America's future supply of natural gas is 2,000 trillion. At today's rate of use, this would be enough natural gas to meet America's demand for 90 years.

The report also reveals the number of coal reserves. The coal reserves are 28 percent of the world's coal. CRS cites America's recoverable coal reserves to be 262 billion short tons. For perspective, the United States consumes 1.2 billion short tons of coal per year. That is a major export opportunity for us, as well as for jobs.

When we talk about our reserves in oil, gas, and coal, there are a lot more out there. This is just what we know is recoverable. For example, I did not include oil and gas shale. The Green River Formation located in Colorado, Wyoming, and Utah contains the equivalent of 6 trillion barrels of oil. The Department of Energy estimates that of this 6 trillion, approximately 1.38 trillion barrels are potentially recoverable. That is equivalent to more than five times the oil reserves of Saudi

Arabia. I did not include these when I said we have enough to sustain us for 90 years.

Another domestic energy source is methane hydrates. That is another one that has tremendous potential. While the estimates vary significantly, the U.S. Geological Survey recently testified that "the mean in-place gas hydrate resource for the entire United States is estimated to be 320,000 trillion cubic feet of gas." For a perspective, if just 3 percent of this resource can be commercialized in the years ahead, at current rates of consumption, that level of supply would be enough to provide America natural gas for more than 400 years. I did not include that. For 400 years, I am only including what is recoverable and what is out there. That is what I call energy security.

We need to also realize it is not just energy we can do. There is nothing more basic than supply and demand. If we are stopping our supply of oil and gas in this country, the demand is going to go up, and we will have to go elsewhere. If we want to become independent—and we could become independent if we were to exploit our own resources.

We have other reports that talk about the number of jobs at stake. Only two deepwater well permits have been issued in the last 11 months. I thought, at the time when we had the oil spill in the gulf, there were going to be people around saying: Aha, we are going to parlay this into stopping production, stopping exploration. Sure enough, they did.

While the moratorium on the gulf has been lifted, only two deepwater well permits have been issued in the last 11 months. Delays and continuation of the current permitting pace could cost 125,000 jobs in 2015, and getting down to the developing of Alaska's offshore, for example, would create 55,000 jobs a year. We are talking about a lot of jobs. We are talking about a lot of reasons we should go ahead and adopt this amendment.

Let's keep in mind what this amendment is. It is an amendment that would take away jurisdiction from the Environmental Protection Agency to regulate greenhouse gases, anthropogenic gases, and leave that as something that should be done by Members of the Senate and the House.

Senator BAUCUS from Montana said:

I mentioned that I do not want the EPA writing those regulations. I think it's too much power in the hands of one single agency, but rather climate change should be a matter that's essentially left to the Congress.

That is what we are talking about. As we speak, the House is marking up the bill. It is the Upton-Inhofe bill over there, and over here it is the Inhofe-Upton bill. That is to stop EPA from this regulation.

Senator NELSON from Nebraska said:

Controlling the level of carbon emissions is the job of Congress. We don't need the EPA looking over Congress' shoulder telling us we're not moving fast enough.

We have some eight Democratic Senators joining them saying that the EPA does not have the authority and should not be doing it. We are talking about Senators such as Senator MARK BEGICH, Senator SHERROD BROWN, Senator BOB CASEY, Senator CLAIRE MCCASKILL, Senator CARL LEVIN, and Senator MAX BAUCUS.

That is the reason I feel optimistic that if we can call up this amendment for a vote, we are going to have a favorable vote on it. I know all the Republicans are going to vote for it, and I think an awful lot of the Democrats will when we are facing a situation where we have gas going so high it is going to be difficult to not give serious consideration to this amendment.

I go further to say the administration has been of no help. I have a quote I have used several times on the floor. Steven Chu, the Secretary of Energy, told the Wall Street Journal that somehow we have to figure out how to boost the price of gasoline to the levels in Europe. That is \$8 a gallon. What they are saying is, they want to do away with fossil fuels, and before we can go to other forms of energy, we have to do that. In the meantime, how do we run this machine called America? We cannot do it without oil, gas, and coal.

The bottom line is, we do have enough oil, gas, and coal to run this country. We could be independent from our reliance on the Middle East—totally—after a short period of time. People say: If we were to open all these places, it would be another 5 or 6 years before we are able to actually produce this oil and gas we so desperately need in this country. In response to that I say: First of all, it will not be that long. Secondly, I heard that same argument 5, 6 years ago, and if we had done it then, we would be there today.

We have a serious problem that is looming out there. I know others want to speak. I know Senator BARRASSO—by the way, Senator BARRASSO has a different amendment than this amendment, even though he is a cosponsor of this amendment No. 183. This would go into such things as NEPA, the Endangered Species Act, and the other things the EPA is trying to use to regulate greenhouse gases to change our lifestyle in America. That is where we are today.

I yield the floor.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from New York.

Mr. SCHUMER. Mr. President, I thank my colleague for his courtesy. I am not speaking about this issue. I saw he looked over in this direction. I will be brief.

I rise to speak about the current debate over the Federal debt. Last week, H.R. 1, the House Republican scorched-earth spending proposal that counts among its casualties such priorities as border security, cancer research, disaster preparedness, and much needed investments in domestic energy production, was summarily defeated in the

Senate. That same day, a Democratic alternative that would have cut spending by \$10 billion, compared to current levels, and \$51 billion, compared to the President's budget request, was also defeated. We were hopeful these failed votes would be an opportunity to start afresh. We thought it would allow us to hit the reset button on the negotiations.

The purpose of those votes was to make it clear that both sides' opening bids in this debate were nonstarters and thus pave the way for a serious, good-faith compromise.

Unfortunately, an intense ideological tail continues to wag the dog in the House of Representatives. One week after those test votes failed in the Senate, House conservatives are still showing no yield. We have moved \$10 billion in their direction. They have not budged an inch off H.R. 1, even though H.R. 1 did not get a single Democratic vote in the Senate. In fact, the Republican conservatives in the House are digging in. In the last 48 hours, there has been a wave of hard-liners who are now rejecting even the 3-week stopgap measure negotiated last week. This measure is needed to avert a government shutdown this Friday. But in a vote occurring very shortly in the House, there is expected to be a number of rightwing defections on this short-term continuing resolution.

Look, Democrats agree this short-term solution is not ideal. Running the government 2 weeks at a time is not good for anyone. We prefer not to have to do another stopgap measure, but we recognize the need, the necessity of averting a government shutdown.

Throughout this debate, Democrats have shown a willingness to negotiate, a willingness to meet Republicans in the middle. Yet the rank and file of the House GOP has been utterly unrelenting. They have wrapped their arms around the discredited reckless approach advanced by H.R. 1, and they will not let go.

But why are House conservatives bucking their leadership by resisting even the stopgap measure? It certainly cannot be because it does not cut spending because it does by another \$6 billion over just 3 weeks. The real reason many of the House conservative Republicans, particularly the freshmen, oppose the stopgap CR is clear. It is because it does not contain the extraneous riders they demand.

H.R. 1 was chock-full of ideological policy measures. These items deal with controversial issues such as abortion, global warming, and net neutrality. They do not belong on a budget bill, but they were shoehorned onto it anyway. These measures are akin to a heavy anchor bogging down the budget negotiations.

In recent days, a number of rightwing interest groups—the Heritage Foundation and the Family Research Council—began encouraging Republicans to vote against any budget measure that does not contain these

controversial policy measures. This is what is driving the defections on the Republican side.

For example, MIKE PENCE explained he is voting no because the 3-week measure doesn't weigh in on abortion. He is the author of the controversial hard-right amendment to defund Planned Parenthood. Yesterday, he said he wouldn't mind a government shutdown if it meant he could succeed in passing his rider. MICHELE BACHMANN said she is voting no because the short-term CR doesn't repeal the health care law. TIM HUELSKAMP, a freshman from Kansas on the Budget Committee, said he would oppose the stopgap measure because it lacked riders against EPA and against family planning.

We finally know why a compromise has been so hard to come by on the budget. It is because Republicans want more than spending cuts; they want to impose their entire social agenda on the back of a must-pass budget. They are entitled to their policy positions, but there is a time and place to debate these issues—and this ain't it.

We have seen this type of overreach before. In the recent battle in Wisconsin, where Governor Scott Walker went to war with the State's public workers, Governor Walker started out seeking concessions from the unions on their benefits in order to reduce Wisconsin's budget shortfall. In the spirit of cooperation, unions agreed to reduce their benefits. But the Governor didn't take yes for an answer. He went further and insisted on ending collective bargaining entirely.

The budget fight going on right now in this Chamber is also about more than just budget cuts. The conservative Republicans in the House are showing themselves to be Scott Walker Republicans. They are using the budget to try to shoot the Moon on a wish list of far-right policy measures.

If this debate were only about spending cuts, we would probably come to an agreement before too long. But we will have a hard time coming to an agreement with these Scott Walker Republicans who are trying to use the budget to enact a far-right social agenda.

I urge Speaker BOEHNER to consider a path to a solution to this year's budget that may not go through the tea party. He should consider moving on without them and forge a consensus among more moderate Republicans and a group of Democrats because if these extraneous policy items are going to be a must-have on the budget, a compromise will be very, very, very hard to come by.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. COONS. Mr. President, I rise this afternoon to speak in support of the incredibly important legislation that is on the Senate floor, the Small Business Innovation Research Program reauthorization, a bill, S. 493, which also reauthorizes the Small Business Technology Transfer Program.

I want to commend Senator LANDRIEU, the chair of the Small Business and Entrepreneurship Committee, and her ranking minority member, Senator SNOWE of Maine, for their leadership in moving this to the Senate floor. Getting this considered is vital to making progress on this bipartisan bill.

This is the third in a series of bipartisan bills we have taken up. The first two—the FAA reauthorization, and the second, the patent reform bill—have passed, and it is my hope that all of us in this Chamber will seriously consider supporting S. 493.

The 30 million small businesses in America are incubators of creativity and job creation. They drive our innovation sector and make us more competitive globally. In addition to employing over half our private sector workforce, small businesses are the backbone of our American communities and can be a source of economic advancement for millions of Americans in every State.

The Small Business Innovation Research Program, or SBIR, sets aside a small part of the research and development budget from a number of Federal agencies to be used as grants for small businesses, and the Small Business Technology Transfer Program, or STTR, helps scientists and innovators at research institutions take their discoveries and commercialize them through small business startups.

Since their creation in 1982 and 1992, respectively, SBIR and STTR have invested more than \$28 billion in helping American small businesses turn into big businesses through innovation and commercialization of cutting-edge products. The classic example, which a number of our colleagues, including Senator LANDRIEU, have highlighted in the conversation so far is Qualcomm of San Diego, which began as a small business of just 35 employees and has now, in fact, grown to a company of 17,000. It pays more in taxes every year than the whole budget of the SBA.

We can't lose sight that every large company in America at one point began as a small business. The SBIR and STTR Programs were created through bipartisanship and should maintain wide support. In fact, SBIR was signed into law by former President Ronald Reagan. They more than pay for themselves and the jobs and economic growth they create and the taxes paid by these companies as they grow.

For too long, the Senate has kicked the can down the road by passing temporary extensions month after month, year after year, for these two vital programs. This week, at long last, we have a chance to pass real long-term reauthorization.

It is a shame that we had to vote for cloture even to just begin debating this bill which has wide bipartisan support. Ideology should not trump practical solutions that can put more Americans back to work and get our economy

moving again. These two programs are proven vehicles for growth in all our States, including my home State of Delaware.

In Delaware, where we have a strong and growing high-tech sector, small businesses have been benefiting from these two programs. With your forbearance, Mr. President, I will, for a moment, just mention three.

One Delaware company that received a critical SBIR grant was Elcriton. Elcriton started with two employees who patented a process to take bacteria which turned algae into butanol for fuel. Imagine that. Think of the possibility of literally using pond scum to produce fuel for cars and trucks. Butanol is superior to ethanol in many respects because it is more compatible with the whole current petroleum infrastructure. This SBIR grant enabled this company to expand significantly, to grow their production, and to scale up not just the research and development but their early-stage manufacturing.

Another company—Compact Membrane Systems of Newport, DE—is putting a \$1 million SBIR grant to work developing a hollow fiber filter that is used to filter hydraulic fluid from water. This extends the life of machinery, such as wind turbines, that use hydraulic fluid or filter oil. They started with three employees and now have 24. Five of those hires were directly made possible through the SBIR grant.

Last, in Newark, DE, ANP Technologies is using an SBIR grant to build biological detection systems for our American Department of Defense. The kit they are developing is rapid, lightweight, and lifesaving for our troops and our first responders. This is another example of a great application of cutting-edge technology by a small business that will have positive impacts for our first responders, our Armed Forces, and my home community of Newark, DE.

Since 1983, over 403 Delaware small businesses have received more than \$100 million in SBIR grants. I know every one of my colleagues in the Senate has a similar positive story from his or her State. Each one of these businesses I just spoke about in Delaware could be the next Qualcomm. Any one of the small businesses in our States that receive grants through SBIR and support through STTR could generate a revolution in high tech that spurs the creation of thousands of jobs.

In my view, we cannot afford to let this critical job-creating program expire. According to one report, businesses backed by SBIR grants have been responsible for almost one-quarter of our Nation's most important innovations over the past decade, and they account for almost 40 percent of our Nation's patents. The applications range from the military to medicine, from education to emergency services.

Congress must have a smart approach to budget reform that balances budget cuts with strategic long-term

investments that create growth and job creation for our communities—a great example of exactly what it is that the SBIR and STTR Programs do. I hope all our colleagues will join in supporting Senator LANDRIEU of Louisiana in supporting this vital bill and the great work she and the committee have done to advance it to this stage.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I sincerely appreciate the remarks of the Senator from Delaware and thank him for his support not only of this program but for his expertise and leadership in the whole area of small business innovation and technological advancements. He was quite a leader in his previous positions in Delaware, and he brings a great deal of expertise to the Senate.

I know the Senator from Alaska is on the floor to speak about an amendment that is pending for debate and consideration. We may have amendments that are called up for votes today—that has not been finally decided—but we can come to the floor, of course, and offer amendments and debate several that are pending.

One thing I want to say before I turn it over to Senator MURKOWSKI is that I think Senator COONS hit the nail on the head when he said a smart budget plan is going to work to meet the challenges of this extraordinary debt we have that has been caused for multiple reasons. It is important we address that correctly and not just one-sided.

This bill addresses a significant aspect of smart budgeting and debt reduction by creating jobs that generate revenues for governments at the local level that are looking for those revenues, at the State level where they are desperate for those revenues, and at the Federal level that could most certainly use some additional tax revenues so we can maintain our leadership in strategic investments.

Now, there were some on the floor this morning and in the Senate who said the only way to get to a balanced budget is by slashing some of the important programs that help create the atmosphere in America for businesses to thrive. Some of that would be strategic investments in infrastructure; some of that would be strategic investments in education. But even the Business Roundtable would say the last programs we should be cutting from the budget are effective job training and education programs. Yet, according to the philosophy of some, those are the first programs that get slashed.

That is not smart budgeting. That is not closing the budget gap. That is not putting your head to the problem. What the Senator from Delaware said is, it is a combination of some strategic cutting and some discretionary budgets. We are going to have to pare down the defense budget appropriately and find some cuts in some savings.

Even Secretary Gates acknowledges there is waste, fraud, and abuse in the

Defense bill. But, most importantly, I think Democrats and Republicans are coming together to say we can grow our way out by producing jobs, and this reauthorization bill is one of the bills that can actually do that. So I just wanted to put a little exclamation point on that part.

I see the Senator from Alaska, who is going to be expressing her views on one of the amendments that is pending. Then Senator BOXER is also on the Senate floor, as is Senator LAUTENBERG from New Jersey. I think Senator SNOWE may want to say just one word.

Senator SNOWE is here to offer an amendment. So why don't we turn to Senator MURKOWSKI.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Just a parliamentary inquiry: Since we are going back and forth, I ask unanimous consent to be recognized after Senator MURKOWSKI.

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

The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, I thank the chairman of the Small Business Committee, as well as the ranking member, for their work on this legislation. Senator LANDRIEU has spoken about the necessity, particularly in this environment today, as we are coming out of a recession, to ensure we have a conducive environment for our small businesses to thrive. It is not just about incentives and opportunities, it is that business environment.

One of the things I think is important for us as policymakers to look at is those things that are put in place that perhaps smother our businesses, whether it is through regulation or the cost of permitting, but also those things that create uncertainty. That is what I would like to speak to for just a few minutes this afternoon.

The minority leader put forth an amendment several hours ago that would put a stop to the EPA's command-and-control climate regulations. This is an amendment for which I am rising today to offer my support. This is not the first time I have had an opportunity to be here on the Senate floor to speak about my concern about the agency advancing policies ahead of the Congress; of the EPA advancing regulations that set climate policy—again, before the Congress had acted. We spent a considerable amount of time here last year discussing the pitfalls of EPA's massive and unprecedented expansion of regulatory powers as they sought to advance those regulations that would impose that uncertainty on our businesses.

I remain as convinced now as I was when we had the arguments previously, when we were talking about this resolution of disapproval against the EPA, I remain as convinced as ever that EPA's efforts to impose these backdoor climate regulations is the wrong way, and perhaps it is the worst way to address our Nation's energy and climate challenges.

Our country is struggling to recover from the worst economic downturn in our modern history. We talk daily about the need for us, as lawmakers, to advance those policies that will help our Nation restore job growth. All this is going on in the midst of global events that are clearly out of our control. We have chaotic global events that have driven our energy prices to near 2-year highs. The last thing in the world for us to do would be to allow unelected bureaucrats to impose new economic burdens on our families and on our businesses.

In combination with these recent events overseas, the EPA's regulation of greenhouse gases is contributing to increased energy prices. The proliferation, the numbers are astounding in terms of what the EPA is advancing in terms of these regulations that hit our businesses every day. The proliferation of EPA rulemaking on climate change is creating pervasive uncertainty throughout our economy. It has stymied and delayed new investments in energy production and this will only become worse once the temporary relief provided by the EPA's "tailoring rule" is tossed out by the courts or perhaps ratcheted down by EPA's own timeline.

What is most troubling is that the EPA has consistently failed to consider what the economic impact of their rulemaking is. We have asked repeatedly. Yet there is no response back from the EPA. It is kind of a shell game that we have seen moving forward. First, the EPA claimed its endangerment finding is simply a scientific finding, it is nothing more; there is not going to be any regulatory burden that will be created as a result of this.

Then we saw a deal struck between the automakers and the State of California and the environmentalists and the EPA to tie emissions standards to already enacted mileage increases for light-duty vehicles. That move then triggered regulation of greenhouse gases under the Clean Air Act for all emitters, including stationary sources. But here again there was no economic analysis provided by the EPA. A lack of this analysis or this assessment and the lack of information led many Members of Congress, myself included, to repeatedly ask for a study of the potential impacts. But EPA has disregarded these requests. Finally, they published their tailoring rule, which was not only finished without a real economic analysis, but it was somewhat brazenly pitched as regulatory relief. They first said this was not a burden that had been imposed, and then they come back and say now we are providing regulatory relief. That is kind of an odd claim to have made.

But what became clear throughout all of this is that the EPA wants us to believe that none of their actions have imposed new regulatory requirements and therefore there is no cost. If we have not added any regulatory burden

there is not going to be any subsequent cost.

But this assertion simply denies logic. Their regulations require that expensive new permits be obtained. To do that you have expensive new technologies that have to be purchased, installed, and operated.

In the next few years these requirements will become more severe and more businesses will be folded in to face them. To accept these economy-wide climate regulations with no substantive analysis of their economic impacts is to take a huge gamble with an already fragile American economy. This is a gamble that I believe we should not take. The amendment from the minority leader that was presented earlier today would ensure that we do not.

As I mentioned just starting off on my comments, I think it is fitting that this debate does take place on legislation that is designed to help our small businesses. It is true that because the EPA has decided they are not going to regulate greenhouse gases under the Clean Air Act—but not according to it—they are not going to regulate the small businesses at this point in time. Soon, however, they are going to be caught up in the same net as their larger counterparts. In the meantime, as the customers of the refiners and powerplants throughout the country that are now regulated, our small businesses will inevitably face increased costs. Innovation should not mean having to find creative ways to comply with government regulations in order to keep your doors open.

Fortunately, it is not too late to prevent this situation from becoming worse. The first round of regulations kicked in at the start of this year, and then the so-called New Source Performance Standards for refineries and powerplants, one of the next steps in the EPA's regulatory process, are not expected until later this year. We can and we should step in now to prevent this additional growth of the now sweeping regulatory burden from the EPA. If we do not act now, if we fail to act now, America's competitive position in the world will continue to deteriorate.

This should be cause for concern for all of us serving here in the Congress. Unfortunately, we have not only failed to put a stop to this agenda but some have actually embraced it. Explanations are out there, I am sure. Perhaps the most common is a misplaced hope that by forcing consumers to pay more for energy, somehow or other this is going to usher in the green jobs to manufacture the wind turbines and other equipment that can just as easily be made overseas. It is this kind of thinking that brought us to where we were last year, or the year before, with the tremendously unpopular cap-and-trade bill.

For too many in this town, here in Washington, DC, higher energy prices have been an explicit goal. The Presi-

dent, when the cap-and-trade proposal was being debated, very clearly stated—his words—"electricity rates would necessarily skyrocket."

The Secretary of Energy has said a couple of years ago, "Somehow we have to figure out how to boost the price of gasoline to the levels in Europe." Notably, I think those comments were made when gasoline was even more expensive than it is today.

But every Member of this Chamber should recognize where EPA is going with these regulations. They are the administration's plan B, initially meant to force us here in Congress to pass cap-and-trade and now of course substitute for it. I think the question that is worth asking is, if cap-and-trade could not pass for lack of support, why should we let these regulations replace them? If we would not agree to a legislative program because it was too damaging, why would we let command-and-control regulations, pressed into place through rulemakings, be the answer instead?

If we knew these regulations are a bad idea whose time should not have come, why—why—would we let American families and businesses suffer greater and greater consequences?

In the midst of our economic recovery and high energy prices, we need to protect our small businesses, not expose them to new regulatory burdens. I think the amendment of the minority leader would do just that. I am hopeful the Senate will have an opportunity to vote on it and pass it within the near future.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I have the floor now to respond to some of the statements of my friend from Alaska, and also to be able to enter into some colloquies about this very dangerous and radical amendment. But before I do that, without losing my right to the floor, I yield for a moment to Senator SNOWE to lay down an amendment.

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

The Senator from Maine.

Ms. SNOWE. Mr. President, I thank the Senator from California for yielding to me so I could call up an amendment. I ask unanimous consent to set aside the pending amendment.

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

AMENDMENT NO. 193

Ms. SNOWE. Mr. President, I rise to call up amendment No. 193.

The PRESIDING OFFICER. The clerk will report.

The assistant editor of the Daily Digest read as follows:

The Senator from Maine [Ms. SNOWE], for herself, Ms. LANDRIEU, and Mr. COBURN, proposes an amendment numbered 193.

Ms. SNOWE. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To strike the Federal authorization of the National Veterans Business Development Corporation)

At the end of title V, add the following:

**SEC. 504. NATIONAL VETERANS BUSINESS DEVELOPMENT CORPORATION.**

(a) IN GENERAL.—The Small Business Act (15 U.S.C. 631 et seq.) is amended by striking section 33 (15 U.S.C. 657c).

(b) CORPORATION.—On and after the date of enactment of this Act, the National Veterans Business Development Corporation and any successor thereto may not represent that the corporation is federally chartered or in any other manner authorized by the Federal Government.

(c) CONFORMING AMENDMENTS.—

(1) SMALL BUSINESS ACT.—The Small Business Act (15 U.S.C. 631 et seq.), as amended by this Act, is amended—

(A) by redesignating sections 34 through 45 as sections 33 through 44, respectively;

(B) in section 9(k)(1)(D) (15 U.S.C. 638(k)(1)(D)), as amended by section 201(b)(3) of this Act, by striking “section 34(d)” and inserting “section 33(d)”;

(C) in section 9(s), as added by section 201(a) of this Act—

(i) by striking “section 34” each place it appears and inserting “section 33”;

(ii) in paragraph (1)(E), by striking “section 34(e)” and inserting “section 33(e)”;

(iii) in paragraph (7)(B), by striking “section 34(d)” and inserting “section 33(d)”;

(D) in section 35(d) (15 U.S.C. 657i(d)), as so redesignated and as amended by section 201(b)(5), by striking “section 42” and inserting “section 41”;

(E) in section 38(d) (15 U.S.C. 657l(d)), as so redesignated and as amended by section 201(b)(6) of this Act, by striking “section 42” and inserting “section 41”;

(F) in section 39(b) (15 U.S.C. 657m(b)), as so redesignated and as amended by section 201(b)(7) of this Act, by striking “section 42” and inserting “section 41”.

(2) THIS ACT.—

(A) IN GENERAL.—The amendments made by section 205(b) of this Act shall have no force or effect.

(B) PROSPECTIVE REPEAL OF THE SMALL BUSINESS INNOVATION RESEARCH PROGRAM.—Effective 5 years after the date of enactment of this Act, the Small Business Act (15 U.S.C. 631 et seq.) is amended—

(i) by striking section 42, as added by section 205(a) of this Act and redesignated by paragraph (1)(A) of this subsection; and

(ii) by redesignating sections 43 and 44, as redesignated by paragraph (1)(A) of this subsection, as sections 42 and 43, respectively.

(3) VETERANS ENTREPRENEURSHIP AND SMALL BUSINESS DEVELOPMENT ACT OF 1999.—Section 203(c)(5) of the Veterans Entrepreneurship and Small Business Development Act of 1999 (15 U.S.C. 657b note) is amended by striking “In cooperation with the National Veterans Business Development Corporation, develop” and inserting “Develop”.

(4) TITLE 10.—Section 1142(b)(13) of title 10, United States Code, is amended by striking “and the National Veterans Business Development Corporation”.

(5) TITLE 38.—Section 3452(h) of title 38, United States Code, is amended by striking “any of the” and all that follows and inserting “any small business development center described in section 21 of the Small Business Act (15 U.S.C. 648), insofar as such center offers, sponsors, or cosponsors an entrepreneurship course, as that term is defined in section 3675(c)(2).”.

Ms. SNOWE. Mr. President, I will address this amendment later. I wish to add that the Chair and Senator COBURN

are both cosponsors of this amendment as well.

I thank the Senator from California. The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I am happy my friend has her amendment lined up so we can get to that.

I commend, first of all, the Senator from Louisiana for her measure that is before us. It is a bill I support very strongly. Therefore, to say I was disappointed to see an unrelated amendment offered is an understatement. But that is the way it is. We are going to have to vote on this. Frankly, we have had votes similar to this before. I feel comfortable and hopeful that we will defeat this amendment.

In about 5 minutes I am going to yield for a question to my friend from New Jersey, but before I do that I want to make about 5 minutes worth of remarks.

The amendment that is pending on this bill has been named by Senators MCCONNELL and INHOFE The Energy Tax Prevention Act. Good title. The bill doesn't do one thing to lower the price of oil—not one thing. We know what we can do right now to lower the price of oil. We know we should go after the speculators who are speculating on futures. We know we have the Strategic Petroleum Reserve that the President is looking at. Every time we have taken some oil out of that it has had a salutary impact on the price of gas immediately. We know we should increase our investment in alternative clean fuels. We know what we have to do. We have to work for more stability in the Middle East. Most of all, we have to get off foreign oil. We cannot be hostage to what is going on in the world. This bill does nothing about it. It has a good title but it has nothing to do with the price of oil. We know what we have to do to do something about that. I hope we will.

Let me tell you what I would name this amendment. I would not name it what it has been called, the Energy Tax Prevention Act, because it doesn't do a thing about that. I would call it the Reliance On Foreign Oil Forever Act, because part of it says we can no longer look at fuel economy through the Clean Air Act and make gains on fuel economy.

We all now have the opportunity to buy gas-efficient cars. How do you think that happened? It did not happen without some leadership here. As a matter of fact, the Senator from Maine, OLYMPIA SNOWE, was very involved in that. My colleague Senator FEINSTEIN was as well. We all worked on this—Senator LAUTENBERG. We said we are going to have more fuel-efficient cars. According to this, it is over and no State can step out and pass tougher fuel economy standards. It is stopping our States from acting. That is No. 1. So I call it the Reliance On Foreign Oil Forever Act because as long as we drive cars that do not do well on fuel economy, we will be stopping at the gas pump. Mark my words.

How wonderful is it for me. I drive a hybrid car. I go about 50 miles per gallon. I can wave at that gas station and say I am glad I don't have to stop here for a long time.

If you don't want to name the amendment the Reliance On Foreign Oil Forever Act, you can name it something else:

The More Air Pollution for Americans Act. The More Air Pollution for Americans Act. More air pollution. Now, we all ran for office and we all run for office. I never met one person who said: Please go back there and get me more air pollution. Not one person ever said that. What they tell me is that they know someone with asthma. They have asthma. Their kid has asthma.

So here is what happens here. This bill says, forever, the EPA can never, ever go after carbon pollution. Let me repeat that. This amendment, despite the fact that the Clean Air Act specifically says that carbon pollution is covered, says, no more. EPA cannot go after it. It is going to keep on keeping on, and there is going to be more air pollution for every American. That is what this amendment promises that they want to pass.

I have to tell you, my colleagues are playing scientist and they are playing doctor. They are deciding for us whether we should be exposed to pollution. When we hear from my colleague, Senator LAUTENBERG, we are going to hear what it is like to have a grandchild with terrible asthma and to worry about it 24/7.

So who are the real doctors and what are they saying? We got a letter in opposition to this terrible amendment from the American Lung Association. I guarantee you, Mr. President, even though you are an extremely persuasive person, if you went outside and just stopped people on the street and said: Well, who is really more trustworthy about your health, the American Lung Association or a Senator, I don't care what you say, they would take the American Lung Association. They oppose this.

The American Public Health Association, the American Thoracic Society, the Asthma and Allergy Foundation of America, the Physicians for Social Responsibility and Trust for America's Health—they write to us.

I ask unanimous consent to have this printed in the RECORD.

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

MARCH 15, 2011.

DEAR SENATOR: We the undersigned write to express our strong opposition to the McConnell Amendment, known as the “Energy Tax Prevention Act of 2011.” We believe that this legislation would block the Environmental Protection Agency, EPA, from setting sensible safeguards to protect public health from the effects of air pollution.

Our organizations are keenly aware of the health impacts of air pollution. The Clean Air Act guarantees all Americans, especially the most vulnerable, air that is safe and

healthy to breathe. Despite tremendous air pollution reductions, more progress is needed to fulfill this promise.

If passed by Congress, this legislation would interfere with EPA's ability to implement the Clean Air Act; a law that protects the public health and reduces health care costs for all by preventing thousands of adverse health outcomes, including: cancer, asthma attacks, heart attacks, strokes, emergency department visits, hospitalization and premature deaths. A rigorous, peer-reviewed analysis, *The Benefits and Costs of the Clean Air Act from 1990 to 2020*, conducted by EPA, found that the air quality improvements under the Clean Air Act will save \$2 trillion by 2020 and prevent at least 230,000 deaths annually.

Additionally, the public strongly opposes Congress blocking EPA's efforts to implement the Clean Air Act. A recent bipartisan survey, which was conducted for the American Lung Association by the Republican firm Ayres, McHenry & Associates and the Democratic polling firm Greenberg Quinlan Rosner Research indicates the overwhelming view of voters: 69 percent think the EPA should update Clean Air Act standards with stricter limits on air pollution; 64 percent feel that Congress should not stop the EPA from updating carbon dioxide emission standards; 69 percent believe that EPA scientists, rather than Congress, should set pollution standards.

The McConnell Amendment would strip away sensible Clean Air Act protections that safeguard Americans and their families from air pollution. We strongly urge the Senate to support the continued implementation of this vital law.

Sincerely,

CHARLES CONNOR,

*President and Chief  
Executive Officer,  
American Lung As-  
sociation.*

GEORGES C. BENJAMIN, MD,

*FACP, FACEP (E),  
Executive Director,  
American Public  
Health Association.*

DEAN E. SCHRAUFNAGEL,

*MD,  
President, American  
Thoracic Society.*

BILL MCLIN,

*President and CEO,  
Asthma and Allergy  
Foundation of Amer-  
ica.*

PETER WILK, MD,

*Executive Director,  
Physicians For So-  
cial Responsibility.*

JEFFREY LEVI, PhD.,

*Executive Director,  
Trust for America's  
Health.*

Mrs. BOXER. "We the undersigned write to express our strong opposition to the McConnell amendment known as the Energy Tax Prevention Act of 2011. We believe this legislation would block the Environmental Protection Agency from setting sensible safeguards to protect public health and the effects of air pollution."

So here is where we are. This is a terrible amendment. It is going to keep us reliant on foreign oil. It is going to overturn the endangerment finding, a health finding made by scientists and doctors that says carbon pollution is dangerous. It is even going to stop us from having a greenhouse registry

where we know how much carbon pollution we are producing. This is a radical amendment. I trust we will defeat it.

I yield to Senator LAUTENBERG, without losing my right to the floor, for a question.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I would ask the Senator from California how she sees the amendment we are discussing in terms of the lives of our countrymen as we see them. And I wish to first mention what I see and see if the Senator agrees with me.

Mrs. BOXER. Absolutely.

Mr. LAUTENBERG. The amendment that has been proposed by the Senator from Kentucky, Republican MITCH MCCONNELL, is as dangerous an effort as we can imagine. It would undermine our children's health while helping polluters and their lobbyists. And what a strange thing this is. I hope the American public sees it for what it really is. It is an attack on the well-being of our children, our grandchildren, at the expense of promoting those companies, taking the rules off so those companies can run rampant, do any darned thing they want, put up any pollution they feel like doing, not having to care that effluent from their manufacturing process has to be properly packaged away but just dump it, get rid of it. Often, those dump sites wind up as Superfund sites. But it does not matter; just go ahead and do what you want.

I was watching television, as everybody here must be, looking at the calamity that struck Japan, and I saw one bright moment. They found a child who was under debris for something like 3 days, and they unearthed her. She was so beautiful, and it brought tears to my eyes—I am a tough guy, it is believed—to see this beautiful thing alive and wanting to be protected and continue her life.

I never met a grandparent who was not ready to show you pictures of their latest grandchild. So there is no deeper love that can be found.

Here, we hear the message that has been going around: Let's get rid of the EPA's ability to regulate. Who are they to tell us what businesses can do?

Thank goodness that in this democratic society in which we live, there are rules and regulations to keep us as a civilized nation. The Supreme Court and scientists at the Environmental Protection Agency agreed that the Clean Air Act is a tool we must use to stop dangerous pollution.

This amendment, it is very clear, favors one group—the business community. I come from the business community. I know what companies will do to help stretch their profits. Most companies do it reliably, honestly, and so forth, but there are others who encourage this kind of thinking and say: Get rid of this regulation, this bureaucratic stuff.

You know, the Republican tea party politicians—and we see them, we see

their thoughts reflected here—say: Just ignore the Supreme Court. Ignore the scientists. We know better. They want to reward the polluters by crippling EPA's ability to enforce the Clean Air Act.

Gutting this vital law is a clear and present danger. The Clean Air Act protects our children from toxic chemicals in the air and illnesses such as asthma and lung cancer. Last year alone, the law prevented 1.7 million cases of childhood asthma—1.7 million children—and more than 160,000 premature deaths, according to the EPA.

Those numbers are gigantic, but they loom much larger when it is your child, when it is your doctor who says: I hate to tell you this, Mr. or Mrs., but your child is sick. Your child has asthma. Your child may have lung cancer. And the largest cause of these conditions is pollution in the air.

Numbers are big in what we say here because it doesn't seem to be entering the thought process. What goes around comes around, and it may be your child in danger, and heaven forbid, because there isn't a parent or a grandparent around who wouldn't give their own life to protect the lives of their children or grandchildren.

Do you really want to know the real value of the Clean Air Act to American families? Talk to the millions of parents who live in fear of their child's next asthma attack, and it is one my own family knows very well. A grandson of mine suffers from the disease. He is an active athlete, and every time he goes to a soccer game or another game, my daughter first checks to see where the nearest emergency room is because if he starts wheezing, she knows very well that she has to get him to a clinic.

The experience in our family with asthma is a tragic one. My sister, who was in her early fifties, 52 years of age, was at a school board meeting when she felt an attack of asthma coming on. She started out to run to her car, where she carried a little plug-in respirator. She never made it. She collapsed in the parking lot, and she died within 3 days.

So when you see the effects of these things, you say: What could we possibly do to prevent this from happening again to another family, to another relative? The tea party Republicans say to these families: Clean air is nice, but, listen, these companies have to make money, they have to pay dividends, they have to pay big salaries to these executives. So for them, on that side, they say the most important thing is those profits, those companies. Too bad, kids; sorry, we can't help you.

The tea party Republicans say you can't restrict polluters with regulations. It is too cumbersome. By their logic, we ought to get rid of traffic signals. Those red lights really slow down traffic. It is a darn nuisance. How does that sound for logic? That is what they are essentially saying. While we are at it, maybe we ought to get rid of the air traffic control system, too, because

why should pilots of these big aircraft have to wait for some government bureaucrat to tell them where and when they can land or take off? Just another bureaucratic agency. As ridiculous as it sounds, that is how ridiculous this sounds and should sound to the American people, the people across this country.

Stop it, Republicans. Stop threatening our children. Stop taking away a level of protection they now have. And if the tea party Republicans have their way, we will get rid of these environmental regulations because they interfere with some of these companies' rights to pollute. Do we want to protect our children from playing outside in foul air by keeping them indoors on a permanent basis or would it be better if the air were clean and they could go outside and play and you don't have to worry about it?

If you want to see where the Republicans will lead us, look at China. China has no clean air act. The air there is so polluted that many people wear masks when they walk outside. During the Olympics in Beijing, some U.S. athletes delayed their arrival to avoid the exposure to the polluted air.

I was on a trip to China some years ago, and I went to visit the Minister of Environment. He started complaining about how much of the energy supply the United States uses and fouls the air. So I was stunned because I had looked outside the window, and I invited him to join me from the 23rd floor and look down at the street. The only thing is, you couldn't see the street. It was so blocked with soot and mist, poisonous mist out there, you couldn't see the sidewalk. That is how heavy the pollution in the air was. We don't need that.

We want to make sure we take care of our obligation to our families, to the children, and the strongest obligation anybody has in America is to the kids. The bottom line is that a day on the playground should not end in an emergency room. But for millions of children with asthma in America, that is exactly where the tea party Republicans want to take our country.

As a corollary, I just met with a group concerned about diabetes, parents, each one of them, of a child with diabetes. I have a grandchild who suffers from diabetes. The forecast is that of children born in 2000, the year 2000, one-third of them will ultimately have diabetes. And it sends a chill through your body when you look at these kids and you think, well, one of the three of them is going to be a diabetic before their life ends.

I use that example to remind everybody, those who can see and hear what we are talking about and those on the other side who want to sweep away all of the protections we passed with the Clean Air Act and let those who would pollute go on unencumbered. So I hope my colleagues will stand up and vote down this amendment.

I ask the Senator from California, do you generally agree with what I have had to say here?

Mrs. BOXER. Well, I say to my friend, not only do I generally agree, I agree wholeheartedly.

Let me show you a picture of a couple of kids. We have a couple of pictures. I would love my friend to look at this, these beautiful children.

They say a picture is worth 1,000 words. This is worth 1 million words. This baby has to go to a mask to breathe air because the air is so foul. We have another picture of another child. I am sure my colleague has seen it. I am a grandma. I would say we are talking maybe 3 years old, maybe even younger, a child knowing how to gasp for air. Here is another beautiful child. The answer I give to my friend is—thanking him for his passion, because this is what he has dealt with with one of his grandkids, the fear, the blood-curdling fear, as my friend has said over and over, that when he is out and playing a sport, he might have to rush to an emergency room and my friend's daughter having to know in advance where the nearest emergency room is—this amendment is an attack on our children.

Let me prove it. We have the leading health experts who have just sent us a letter telling us it is an attack on our children. I put up any Senator against these groups for a debate. When I hear from the American Lung Association, the American Public Health Association, the American Thoracic Society, the Asthma and Allergy Foundation, from physicians across the country, the Trust for America's Health—they say: Beat this McConnell amendment; it is dangerous—I listen. So should every American. I don't care if one is a Republican or a Democrat.

The Senator from Alaska was railing against the Environmental Protection Agency. Let's see what the American people think of the Environmental Protection Agency. There was a bipartisan poll done by a Republican pollster and a Democratic pollster. Sixty-nine percent of Americans think EPA should update the Clean Air Act standards with stricter air pollution limits. The McConnell amendment says to EPA: You may not do this. You may not update air pollution standards as it relates to carbon pollution.

We are a country that is polarized by a lot of issues. I appreciate that. I often say, I just came out of an election that was tough. But 68 percent of the people believe Congress should not stop EPA from enforcing Clean Air Act standards. Let me repeat: 68 percent of the American people—this poll was done February 16, very recently—believe Congress should not stop EPA from enforcing Clean Air Act standards. Guess what the McConnell amendment does. It stops the EPA from enforcing Clean Air Act standards.

Sixty-nine percent believe EPA scientists, not Congress, should set pollu-

tion standards. What does the McConnell amendment do? It says that MITCH MCCONNELL and JIM INHOFE—my buddy, my pal, and we are friends. But on this one, we are on opposite sides. I stand with the American people on this one. Sixty-nine percent say EPA scientists, not Congress, should set pollution standards.

Why would that be? These are people from Alabama, Florida, California, New Hampshire. It doesn't matter. This is a huge number. Why do they think that? Common sense. We trust doctors and scientists to tell us what is good for us, not politicians. Period. We have Members of Congress who are doctors. But I have to say, some of them come out against the science and the doctors because they have given that up. They are politicians now. Here is the deal. We have the McConnell amendment. It is taken straight from the Upton bill in the House and the Inhofe bill in the Senate that stops EPA in its tracks from updating Clean Air Act standards, so that we have a standard for carbon pollution which is dangerous. Who tells us it is dangerous? The doctors. Who tells us it is dangerous? The scientists. Who made an endangerment finding? The Environmental Protection Agency.

Do my colleagues know who actually came up with the idea of an Environmental Protection Agency in the 1970s? Richard Nixon. Everyone knows Richard Nixon was a Republican. By the way, I have the same Senate seat he once held. In this, we are in agreement. The EPA was a brilliant idea. Why? Because if we can't breathe, we can't work. My colleagues may think they are doing something for the economy by telling the EPA to go into their rooms and forget about their jobs. But when people start getting more asthma, when there are increased premature deaths, they will think about it again.

Let me show my colleagues what happened in Los Angeles since the Clean Air Act was passed. This is an amazing graph. I hope people can see this clearly. In the 1970s, when Richard Nixon and Congress voted the Clean Air Act in—and it was voted in with a huge majority, it was overwhelming—in Los Angeles, 166 days were lost where people were told they had to stay in, sensitive people. I remember those years. You used to go to the radio to make sure it was safe to go out, if you had a kid with asthma or you had a mom who had a breathing problem. More than half the year, in those years, you couldn't go out of the house. Think about what that says about the economy, when people are trapped inside their houses. Think about what it means to their freedom of movement and think about what it means to the economy when so many people have to stay home and not go to work, not go to school.

Over the years, as the EPA starts to do its job, we start to see fewer and fewer lost days where people could actually go out. I am proud to tell my

colleagues, in 2010, in Los Angeles, which was once the smog capital of the Nation, not one day was there an advisory, not one day. What more of a success rate can we have?

Do my colleagues want to see more success? I will show you some of the benefits in another way. The Congress said to the EPA: We want to make sure there are benefits that go along with your enforcement of the Clean Air Act, so that when you go to a company that is belching smoke and you say they have to install some cleanup devices, it is working. What did we find out? In 2010, the Clean Air Act prevented 160,000 cases of premature death. We understand why the heart doctors and the lung doctors and the physicians and the public health doctors are telling us: Don't vote for McConnell. It will turn the clock back. We saved 160,000 lives in 2010 alone. Projected out, it is going to go way higher in the number of premature deaths averted, if we move forward with the Clean Air Act and we don't substitute politicians for doctors and scientists. Clearly, we are on the right track. In the future, we prevent even more deaths—230,000, to be exact, by 2020.

I don't care if one is a Republican or a Democrat, liberal, conservative, Independent, whatever, this has nothing to do with politics. This has to do with families. This has to do with health. That is why we see 69 percent of the people saying: Congress, butt out of this. Let the EPA do its work. That is why a defeat of the McConnell amendment means we are standing with the doctors, with the scientists and, more than anything else, we are standing with the kids. We are standing with these beautiful kids, these kids who at age 3 are having to learn how to breathe oxygen because they can't go outside because the air is dirty.

Whose side are we on? Are we on the side of this baby and his family or are we on the side of the biggest polluters in the country who are making billions of dollars? They are doing fine, and all they have to do is do a little bit more to clean up the air. We had lots of arguments over the years. Every time we had Clean Air Act amendments, people argued: Don't do it. The air is clean enough. Stop. Enough. Business can't do it.

Guess what we found out. Not only did business step up to the plate and do it, but what was created was an incredible export business, exports of clean air products, technologies, machinery, the best available technology made in America. We are talking about taking the lead on clean air and keeping it, not retreating.

We remember when the Berlin Wall came down. Everyone said: Hooray. But then they could see the air settling on the other side. Germany did the right thing, and they said: We are going to clean up the air in Eastern Europe. Because without clean air, you can't have growth.

I am happy to see my friend from Washington State. I will yield to her

for a question. I want her to know how much I rely on her leadership. MARIA CANTWELL has been a leader from the beginning on clean air, clean water, safe drinking water, cleaning up Superfund sites. She never flinches.

Before I yield for a question, I started off my debate by telling the Senate what my friends on the other side call their amendment. They call it the Energy Tax Prevention Act. I have already told my colleagues why it should be called the more air pollution for every American act or, if they don't like that, we could call it the relying on foreign oil forever act. That is what it truly is. It stops us from cleaning up our air, which the people definitely do not support, 69 percent of the people in a bipartisan poll.

I ask unanimous consent to have printed in the RECORD this Truth-O-Meter Politifact. That is an independent Web site that judges the truth of these claims.

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

FRED UPTON SAYS PENDING BILL TO BLOCK EPA CURBS OF GREENHOUSE GASES WILL "STOP RISING GAS PRICES"

To hear Reps. Fred Upton and Ed Whitfield talk about their new energy bill, you'd think it will prevent gas prices from increasing before your next fill-up.

Upton, the Michigan Republican who chairs the influential Energy and Commerce Committee, and Ed Whitfield, the Kentucky Republican who heads the Energy and Power subcommittee, recently argued in a letter to fellow lawmakers that one way to stop rising gas prices would be to pass the Energy Tax Prevention Act of 2011 (H.R. 910).

The bill grows out of longstanding frustration by industry groups and lawmakers who believe that Environmental Protection Agency regulations unnecessarily burden many companies.

The measure—which Whitfield's subcommittee approved on March 10, 2011, and which now heads to the full committee—would prevent the EPA from regulating greenhouse gases for the purpose of addressing climate change.

Here's a portion of what Upton and Whitfield wrote to their colleagues in the March 8, 2011, letter, which is headlined, "Concerned About High Gas Prices? Cosponsor H.R. 910 and Make a Difference Today!!"

"Whether through greenhouse gas regulation, permit delays, or permanent moratoriums, the White House takes every opportunity to decrease access to safe and secure sources of oil and natural gas," the lawmakers wrote. "Gasoline prices have climbed dramatically over the past three months. American consumers deal with this hardship every day, and as this poll indicates, the majority of respondents do not see the pain subsiding anytime soon. Americans also understand the realities of supply and demand as it relates to oil prices. Unfortunately the White House does not. . . .

"H.R. 910, the Energy Tax Prevention Act of 2011, is the first in this legislative series to stop rising gas prices by halting EPA's Clean Air Act greenhouse gas regulations. As one small refiner testifying before the Committee on Energy and Commerce put it: 'EPA's proposed [greenhouse gas] regulations for both refinery expansions and existing facilities will likely have a devastating effect on . . . all of our nation's fuels producers. . . . If small refiners are forced out of busi-

ness, competition will suffer and American motorists, truckers and farmers will be increasingly reliant on foreign refiners to supply our nation's gasoline and diesel fuel.'

"We . . . have taken the first steps in attempting to restrain this regulatory overreach that will restrict oil supplies and cause gasoline prices to rise."

But can the bill really stop gas prices from going up, as the letter says?

We'll look at two key questions. Could the proposed EPA regulations on oil refineries actually increase prices at the pump? And when would the impact of the regulations be felt?

As to the first question, experts had different opinions.

The oil industry argues that regulations imposing new costs on refiners could force U.S. refineries to charge more. (The proposed regulations are supposed to shield smaller operations from regulatory impacts, but experts said that a significant proportion of U.S. refineries would indeed be affected.)

"It's Economics 101," said John Felmy, chief economist at the American Petroleum Institute. "The refinery business is a very low-margin business. They have no margin for error and face tough competition internationally."

Others argue the refining industry could adapt to new regulations.

"Looking at past public claims when the Clean Air Act was passed would show that U.S. refining capacity still managed to increase over time, despite the high expense refiners had to put out to comply with the Clean Air act," said Amy Myers Jaffe, a fellow in energy studies at Rice University.

"So one might imagine, depending on the details on how carbon regulation would be implemented, U.S. industry could likely similarly adjust," Jaffe said. "It depends on the specifics of how a policy is implemented. There are no doubt some small refineries in the United States that might be really inefficient, so maybe some of them would close if they had to increase their costs substantially, but tiny, uncompetitive, regional refineries are not the main thing that makes the US refining and marketing industry 'competitive.'"

Indeed, while a shift to overseas refiners could have negative consequences for the nation—it could weaken the United States' industrial base, threaten U.S. jobs and pose problems for national security—it's not a foregone conclusion that prices at the pump would rise. If U.S. refiners become less competitive and more oil is instead imported from overseas refiners, it will be because the cost of refining overseas becomes more competitive. That's the essence of a free market.

And even if the cost of refining did go up, the cost of gasoline is volatile and affected by many factors such as global demand and supply disruptions. So there's no certainty that a bump in refining costs would necessarily translate into higher prices at the pump.

As for the second question—when any impact might be felt—the rules wouldn't take effect for months or years.

The EPA won't even propose the first-ever greenhouse-gas standards for refineries until December 2011 and doesn't plan to issue final standards until November 2012. Those standards would govern emissions for new and significantly overhauled refineries. Rules for existing refineries are expected to be unveiled in July 2011.

Based on the past history of EPA regulations, the new rules aren't likely to take effect until a few years after that, experts said.

So, if the bill were to pass, it would prevent EPA regulations that would otherwise take effect in 2013, 2014 or 2015. That's a long way away.

Another factor: the regulations targeted by the House bill are new ones. So if the House bill passes, it would essentially protect the status quo—not take any explicit action to stop price hikes.

So where does this leave us?

While Upton and Whitfield's letter is carefully worded, it frames the argument for the bill in the context of today's trend of rising gasoline prices. Yet the impact of the bill—if there is an one—would be years away. And there's no proof that the law would actually stop gas prices from rising. The added regulations now being planned may hamper U.S. refiners, but the international free market could just as easily end up keeping refining costs low. And it's hardly assured that any changes in refining costs—up or down—will influence gasoline prices, which are subject to a wide array of influences. We find their claim false.

Mrs. BOXER. They looked at this amendment. They said the claim is false, that gasoline prices would go down. So beware of things that are called good names. But when we get behind them, we see they are not good. They are dangerous. This is a red flag coming from me to everybody watching the debate. This bill would tell the EPA they can no longer do their job—EPA, one of the most popular agencies in the Nation. Sixty-nine percent of the people say: Do your job.

It would, in essence, stop us from making more fuel-efficient cars because it would say States cannot do more, and that would mean reliance on foreign oil.

I am happy to yield to my friend from Washington for a question.

Ms. CANTWELL. Thank you, Madam President.

Ms. LANDRIEU. Madam President, can I just inquire?

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

Ms. LANDRIEU. How long does the Senator think the Senator from Washington will proceed and how long will the Senator herself proceed?

Mrs. BOXER. I have the floor, and I plan to proceed as long as colleagues want to come and ask questions. I could go until about 5.

Ms. LANDRIEU. OK. Because Senator SNOWE has an amendment.

Mrs. BOXER. She was already allowed to offer it.

Ms. LANDRIEU. She would like to speak on it.

Mrs. BOXER. I will continue yielding without losing my right to the floor because there will be a question.

Ms. LANDRIEU. Do you think Senator SNOWE can go after Senator CANTWELL?

Mrs. BOXER. I do not at this point. We are taking our time. I wish to say through the Chair to my friend, this amendment is so radical, it is so far beyond any other amendment we have ever had on this subject, so I am not going to yield the floor until I have given people a chance on my side to ask questions about it. I intend to hold the floor at this point. I cannot give you a time when I will stop. I am also very willing to have a vote on this at a time we can mutually agree to. But at

this point, I will not be able to yield the floor.

Ms. LANDRIEU. Let me see what we can do.

Mrs. BOXER. I yield to my friend for a question or a series of questions—as many as she might have.

Ms. CANTWELL. I thank my colleague from California, who is the chair of the committee, for working so hard on this important amendment to try to articulate and help colleagues understand what is the basis of it.

I too was surprised to learn that the McConnell-Inhofe amendment would overturn what has been the hard-won future gains in fuel economy we passed overwhelmingly on a bipartisan basis just a few years ago. I don't get it, EPA's clean car standards through 2016 will save so much gasoline that car buyers will actually save as much as \$3,000 over the life of the car. That is because of the hard work we have done in the Senate on a bipartisan basis.

I know our colleagues from both sides of the aisle worked to get that last agreement that we did in 2008, and while we are doing this, we will save 1.8 billion barrels of oil. So I was surprised to hear that this legislation—the McConnell-Inhofe amendment—would overturn all that progress we have made in the last couple decades on having cleaner air and more opportunities for fuel efficiency.

When I look at this, I look at our domestic automakers in Detroit who are making much more progress based on this new generation of technology. Our domestic automakers are getting back to profitability based on a new generation of vehicles offering much better fuel economy. So they are actually—because we have said you have to have more fuel-efficient cars—they are actually now winning in the marketplace with consumers because of those offerings. I know the Department of Energy, for the first time, has said we have reduced our dependence on foreign oil because of these fuel economy improvements.

So I say to my colleague from California, it was not because of “drill, baby, drill” that we got fuel efficiency and got off foreign oil. It was because we had fuel efficiency in automobiles that we were able to reduce our dependence.

So I ask my friend from California why we would want to go backward on that if we have made progress and better cars out of Detroit, if they have become cheaper for consumers over the life of the car. If we have made advancements in reducing our dependence on fossil fuel, why would we want Americans to pay more at the pump and have cars that do not go as far per gallon of gas as they do today? So I do not understand what kind of scheme this is, to keep the oil companies in business? Why would we want to go back on that level of fuel efficiency and override that by this amendment?

Am I correct in understanding that?

Mrs. BOXER. I will answer and then yield for further questioning. The Sen-

ator is making the case so clearly. The one area we know we can make progress on in terms of getting off foreign oil is cars that get better fuel economy. My friend worked so diligently on the Commerce Committee, along with Senator SNOWE, Senator FEINSTEIN, and others. We all worked. But my friend took a tremendous lead on it.

In this particular amendment, which is named something that has nothing to do with reducing or preventing gas taxes or something—it has nothing to do with that. If this passes—and I hope it will not pass—but if it were to be signed into law, it essentially takes the EPA completely out of the picture, in terms of fuel economy, which means that all the progress we have made in getting more fuel economy, cleaning up the air, will be gone.

This little child, shown in this picture, gasping for air, as it is, is going to be gasping for more air. Children are particularly vulnerable.

So the Senator is right on so many fronts. If we were to pass this, we would turn around from all our progress we just made. We would stop the States from being able to do more on their own. We would lose the competition in the world for the most fuel-efficient vehicles, which is so critical—everybody looks to us—and consumers, as my friend points out, would miss out on, frankly, thousands of dollars a year in savings.

I hope I have answered my friend's question.

Ms. CANTWELL. I am amazed because my predecessor, a Republican from Washington, was fighting for fuel efficiency standards in the 1990s. So I do not know why we would be here in 2011 with a radical proposal to basically erase the ability for fuel efficiency standards.

But I have a question about public health too because I think my colleague from California has articulated something that is greater than any economic issue; that is, health and clean air and healthier children because of that. I do not understand why we would want to go back on the Clean Air Act as it relates to adverse health outcomes.

Why would you want to have more problems with asthma attacks, heart attacks, strokes, visits to the emergency room, hospitalization, premature deaths, all these things? EPA just came out with a comprehensive cost-benefit study on the Clean Air Act, and their findings were stark. They said the Clean Air Act will save our society \$2 trillion through 2020. That is amazing.

So when I look at that, and we are going to say to polluters do not have to pay or adhere to the law, we are going to cause ourselves more costs in the future with health care. Yes, some polluters need to pay more, but as members of Congress we need to think of what's good for America, not just special interests. And the Clean Air Act

creates \$30 for every \$1 investing in reducing pollution.

I ask my colleague from California, what is it that Senators McCONNELL and INHOFE think they know about this that is different than what the American Lung Association, the American Public Health Association, the American Thoracic Society, the Asthma and Allergy Foundation of America, Physicians for Social Responsibility, and Trust for America's Health—what is it they know that those organizations do not know? Because those organizations are saying we have a serious health problem, and let's make sure it is addressed through the Clean Air Act. Are they just ignoring this issue?

Mrs. BOXER. Obviously, I cannot speak for my colleagues. I cannot. But I have to look at what would happen if this were to become law. EPA, the Environmental Protection Agency, signed into law by Richard Nixon, a Republican, overwhelmingly—and, by the way, the Clean Air Act amendments were signed into law by George Herbert Walker Bush—they would say to the EPA: You are out. You no longer have the ability to do your job, which is laid out in the Clean Air Act. This particular amendment changes the Clean Air Act and says—I say to my friend—to the EPA: You no longer can look at carbon pollution. You cannot look at any pollution at all that relates to the climate change issue. In doing so, they are in a frontal assault against the American Lung Association, the American Public Health Association, the American Thoracic Society, the Asthma and Allergy Foundation of America, Physicians for Social Responsibility, and Trust for America's Health.

But I say to my friend, even more than that, they are going against the American people. I wished to share this poll with the Senator.

In February, 1 month ago—truly 1 month ago—there was a bipartisan poll. A Republican pollster and a Democratic pollster teamed up, and they asked the people what they thought about these very issues. Sixty-nine percent of the American people—this is not people in Washington State or California; this is all over the country—think EPA should update the Clean Air Act standards with stricter air pollution limits.

The McConnell amendment stops them, stops them from updating the Clean Air Act standards. As a matter of fact, it repeals the ability of the EPA to ever address carbon pollution, which, by the way, is a clear endangerment to the people. I ask unanimous consent to have printed in the RECORD EPA's Endangerment Finding.

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

EPA'S ENDANGERMENT FINDING  
HEALTH EFFECTS

The key effects that support EPA's determination that current and future concentrations of greenhouse gases endanger public health include:

TEMPERATURE

There is evidence that the number of extremely hot days is already increasing. Severe heat waves are projected to intensify, which can increase heat-related mortality and sickness. Fewer deaths from exposure to extreme cold is a possible benefit of moderate temperature increases. Recent evidence suggests, however, that the net impact on mortality is more likely to be a danger because heat is already the leading cause of weather-related deaths in the United States.

AIR QUALITY

Climate change is expected to worsen regional ground-level ozone pollution. Exposure to ground-level ozone has been linked to respiratory health problems ranging from decreased lung function and aggravated asthma to increased emergency department visits, hospital admissions, and even premature death. The impact on particulate matter remains less certain.

CLIMATE-SENSITIVE DISEASES AND  
AEROALLERGENS

Potential ranges of certain diseases affected by temperature and precipitation changes, including tick-borne diseases and food and water-borne pathogens, are expected to increase.

Climate change could impact the production, distribution, dispersion and allergenicity of aeroallergens and the growth and distribution of weeds, grasses, and trees that produce them. These changes in aeroallergens and subsequent human exposures could affect the prevalence and severity of allergy symptoms.

VULNERABLE POPULATIONS AND  
ENVIRONMENTAL JUSTICE

Certain parts of the population may be especially vulnerable to climate impacts, including the poor, the elderly, those already in poor health, the disabled, those living alone, and/or indigenous populations dependent on one or a few resources.

Environmental justice issues are clearly raised through examples such as warmer temperatures in urban areas having a more direct impact on those without air-conditioning.

EXTREME EVENTS

Storm impacts are likely to be more severe, especially along the Gulf and Atlantic coasts. Heavy rainfall events are expected to increase, increasing the risk of flooding, greater runoff and erosion, and thus the potential for adverse water quality effects. These projected trends can increase the number of people at risk from suffering disease and injury due to floods, storms, droughts and fires.

Mrs. BOXER. I say to my good friend and colleague from Washington State, in EPA's summary of the endangerment our people would face, they talk about the worsening of ground-level ozone pollution if the EPA is not allowed to enforce the law, which is what McConnell offers us today.

They say:

Exposure to ground-level ozone has been linked to respiratory health problems ranging from decreased lung function—

We know kids, even today, with all the progress we have made—kids who are born in areas that are close to freeways, I say to my friend, close to railroads, close to ports—have a reduced lung function. At birth, they have a lesser lung function. What are we doing? How dare people come and hurt

the American people. That is what this is. This is about hurting the American people, hurting America's families, stopping the Environmental Protection Agency from cleaning up the air, cleaning up pollution.

Here is this poll: 69 percent say EPA scientists—not Congress—should set pollution standards. Yet this amendment says: EPA, get out of the picture. We do not want you. We want to do this, the politicians. Well, the people do not want this. That is why I hope we will reject this terrible amendment that endangers the people.

I continue to yield for a further question.

Ms. CANTWELL. I thank my colleague because my next question deals with technology. One thing I appreciate about working with the Senator from California is that we certainly share an interest in innovation and the innovation economy and making sure we do not do things to damage it, since so much job creation has happened from the technology sectors and from our improvements.

So I was surprised to think about this amendment from the perspective of that it would kill a wide range of jobs in America, including many that can't be outsourced. If we basically say we are going to allow people to continue to pollute and not adhere to the Clean Air Act, all those technologies that are about to get us off those pollutants and diversifying our energy sources would no longer be incented. The Senator and I probably would say we need to do a lot more to incent those and stop incenting those that cause so much harmful pollution.

But the United States is the largest producer and consumer of environmental technology, goods, and services. The environmental technology industry has approximately 119,000 firms and generates \$300 billion in revenues and \$43.8 billion in exports.

Mrs. BOXER. Could the Senator repeat that, please?

Ms. CANTWELL. That is just the environmental technology industry. So that is 119,000 firms, \$300 billion in revenue, and \$43 billion in exports. So it is a very vibrant part of our economy that is based on that we want to do something about toxic pollutants. If all of a sudden you pass a bill in the Senate saying we do not want to do anything about these toxic pollutants, even though the Clean Air Act says we should, and the Supreme Court said, yes, EPA you should, then all of a sudden we are basically saying: OK. How far are we willing to go in saying we do not need to deal with toxins and pollutants?

To me, the foreign markets in developing countries that are already getting an edge on some of the clean energy technologies would worry me that they would continue to make advancements even more with these technologies.

I do not understand why people would think this radical measure would somehow help us, when the foreign technology market would continue to grow, and we would lose market share.

But foreign markets, particularly those of developing countries offer the most opportunity for U.S. companies.

The U.S. share of foreign environmental technology markets has continued to grow from 5.7 percent in 1997 to 9.8 percent in 2007, giving the U.S. environmental technology industry a positive trade surplus for the past decade.

I ask my friend from California, doesn't it make more sense to think about the future jobs we are trying to attract—because they are so much bigger—than thinking about this in the sense of 20th century jobs? That is almost what we are advocating: Let's go back to saying, if you are a pollutant, it is OK because somehow you are creating jobs.

I ask my colleague, isn't the market opportunity more in these technology jobs and environmental technology jobs?

Mrs. BOXER. Well, my friend is so right. If this is an economic argument, bring it on to us. We know the numbers. The Senator has laid them out. We know tens of thousands of firms are moving forward because we have these laws on the books. The clean air technologies and the clean water technologies and the safe drinking water technologies are wanted by the whole world.

I have to say to my friends who are pushing this—I wish to tell them something they do not seem to either understand or maybe they do not want to hear, but I am going to say it—the whole world is going green, no matter where you look. Walmart is going green. I have had my differences with them on their policies on workers.

Walmart is going green. And why? Because, as my friend said, it saves money. The whole world is going green. What does it mean? It means everyone wants to save money. Everyone is looking for better energy opportunities that are clean. And everybody wants clean energy. If we back away from that, we are saying to China: Go for it. You will get the whole market, and we will still be pumping for oil.

By the way, I have a message on that front: Oil companies have 57 million acres of land and offshore tracts they already have a permit to drill in. My friends on the other side, in another debate, keep saying: Let's drill, drill. Why don't they drill where they already have the leases and it is already approved? So that is not at debate here.

What is at debate here is why would we, as my friend asked me, turn away from policies that result in clean technologies that the entire world wants—clean technologies that support more than 100,000 businesses and tens of thousands of more jobs? Why would we do that? My answer is, to me, it would be a self-inflicted wound on our country, when this is an opportunity.

I think my friend from Washington knows John Doerr who is a venture capitalist. He has told us for years now that if we invest in clean energy, if we incentivize clean energy, the venture capitalists will come off the sidelines with more billions than they ever gave to high tech and biotech combined. So why would anyone support this amendment which would turn the clock back on fuel economy, as my friend said, on clean energy technology, and turn the clock back on our little kids who are struggling as it is with asthma?

I yield for another question.

Ms. CANTWELL. I thank my colleague from California.

I am also interested in the Senator's opinion about this as it relates to gas prices because people are—I think House Republicans, anyway, and maybe even the minority leader, feel that if we pass this amendment, somehow gas prices are going to come down. Well clearly they don't believe this radical measure will actually pass because then they would have to worry about misleading their constituents.

We all know this: It seems about every summer we have these debates about the impact of gas prices. But this measure is so radical. When I think about even if EPA continued to act on their fulfillment of the Supreme Court decision that they must act in regulating pollutants—and rules on oil refineries won't even go into effect until December of 2011 and the final rules aren't even due until July 2011. So we are talking about rules that don't go into effect until 2013, 2014, 2015.

I ask my colleague from California, how would that have an impact? We don't even know what they are going to be. We have to wait until July, hopefully, to hear from EPA about that. So, somehow, that is going to affect gas prices today?

I think what we know to be true is that getting off of oil and having more fuel-efficient cars has reduced our dependence, saved consumers money, and allowed them to have a choice in the marketplace. We ought to continue in that direction, not this direction. But does the Senator think those rules going into effect are somehow having an effect today? Aren't we talking about people who have already written about this as false rhetoric in the debate, that it is not accurate and that this will impact the price at the pump tomorrow?

Mrs. BOXER. Well, of course my friend from Washington is right on target when she points out that—first of all, the EPA is being very cautious in the way it moves on this. They are only going after the biggest, dirtiest polluters. I think most of the people I talk to out there say—my mother always said, Clean up your room. If you are belching all of this smoke into the air, you have to take some responsibility for it, especially when you are making billions and billions and billions of dollars of profit.

No one has come to me and said big oil is suffering because they were under

the Clean Air Act all of these years. But it is true. There is no pressing matter before us. They are using the problems in Libya and the tragedy in Japan.

The Upton bill, as in this McConnell amendment, says—Upton: A bill that would halt the EPA from regulating greenhouse gases would help stop rising gas prices. That is what he says, that this amendment before us will help stop rising gas prices. The non-partisan PolitiFact, which is an independent Web site, looked at this. When they came to the end of looking at Mr. UPTON's claim that this would reduce gas prices—and this is the same bill as the Upton bill—they say, We find this claim false.

I feel comfortable in this debate because I am on the side of the truth. I am on the side of the American people who are telling us: Stop, Congress. Don't tell EPA to stop enforcing the law. That is wrong. So I feel good about that. We are on the side of these children whom we are protecting. We are on the side of consumers. We are on the side of progress. We are on the side of business. We are on the side of exports. We want America to be the leader.

My friend from Washington is an innovator. My friend knows what it is to go to the capital markets and say, I have a great idea, and she knows what government can do to encourage this type of investment. Government can't do everything, but we can set the stage. One of the ways we set the stage for a great multibillion-dollar economy to take off is by having a Clean Air Act that saves our children from these terrible air-gasping days, but also creates technology that cleans up our air.

My friend is so right. The false claim that this amendment is going to lower gas prices has been debunked right now. That claim has been debunked by people who have no axe to grind.

I appreciate my friend coming here and engaging this. Does she have any further questions?

Ms. CANTWELL. I do, if the Senator from California would indulge me on this. Because I see our colleagues on the floor, and as a member of the Small Business Committee I am as frustrated as they are that this important legislation that would help small businesses in America grow is being now held hostage by this amendment.

I look at this issue, the broader issue of discussion, as some of our colleagues on the other side of the aisle have said, as a major policy issue. Well, if it is a major policy issue and it is a major policy change, why should we try to hang it in an amendment onto the small business bill? Is that making some industry happy? Is that why they are doing it? Because if this is, as they are saying, a major policy issue, then let's have a major policy discussion. I know my colleague and I support legislation that would instigate a major policy discussion here. Some of that legislation has gotten bipartisan support. I think some of our colleagues on

the other side of the aisle have been saying we should address climate. Well, if that is the case, let's have that broad debate. Is that the understanding of my colleague, that some Republicans wish to address it and are saying now that we need to address it and not leave it all to EPA? If that is the case, then let's have that debate, but let's not have a rifle shot amendment that basically guts the law as it is being implemented. Let's have a discussion about what would be a more flexible approach to implementation of the requirements to regulate pollutants.

Mrs. BOXER. The Senator from Washington poses an important question, and that is: Why are we seeing this kind of amendment on a small business bill? It is ridiculous. It makes the American people lose faith in us, frankly. This is a bill about small business innovation. This isn't a bill that is about telling EPA they can no longer do their job in protecting the American people. This is ridiculous.

We already know from reports how many lives have been saved. We have it here, and I want my friend to see this. In 2010, the Clean Air Act prevented 160,000 cases of premature deaths. That is a fact. By 2020, that number is projected to grow to 230,000. So excuse me. If this amendment were to pass and stop EPA from cleaning up the air, people will die.

If this is what you want to do, don't hang it on a small business bill. Why don't you have a press conference and say, You know what, we don't think this is worth it: 160,000 deaths; win a few, lose a few, you know. They don't care at all. But we care, and that is why we are talking about this.

I yield again to my friend.

This is what they would turn away from: preventing 160,000 premature deaths—that is documented—in 2010 alone.

Ms. CANTWELL. I have one last question for my colleague. I think these attempts that try to carve out pollutants and give them exemptions are never good policy, because there is so much at stake for the American people who believe our job is to protect them with clean air and clean water and to make sure that polluters are regulated. But it reminds me of that 2003 energy bill that was kind of done behind closed doors when the whole MTBE debate—you know, the additive to fuel—came up. I remember one newspaper ended up dubbing the bill the “hooters and polluters and corporate looters” bill or something like that, because it ended up trying to carve out for the manufacturers of that product that they would be exempted. It was a bipartisan effort on the Senate floor. My colleagues from the Northeast, from New Hampshire, I believe, and there may have been the Senators from Maine, all said, Wait a minute. We are not going to exempt MTBE from this legislation as a way to get an energy policy for the future.

I ask my colleague from California if she remembers that and other at-

tempts to try to do this without the public fully understanding what is at stake for clean air and clean water, and if she remembers that failure because of doing this. It left the public vulnerable. Are there other instances of that debate she could recall for us? Because I think it is very similar.

Mrs. BOXER. There have clearly been a lot of moves on the part of special interests in this country—the biggest polluters—to try to get their way, and they try every which way to try to get their way. If they were to present the case to the Senator from Washington or to me that what they want is good for the American people, that is great. Make the case. Who could ever make the case that stopping the EPA from enforcing the Clean Air Act is good for the people? They can't. So what do they do? My friend is right to recall these other attempts. They couch it as: Oh, it is going to lower the price of gas, or it is good for business, or it is good for jobs. The truth is, it is devastating for all of those things.

My friend from Washington has been a leader on consumer protection. Oh, my goodness, we remember the fights when we had the Enrons of the world destroying people by raising the price of electricity behind closed doors, and the conspiracy to do that. Remember those battles we were in? These battles keep coming back at us. Does my colleague know—my friend is asking me questions, but I would ask her one rhetorically. This amendment is so radical, it goes after fuel economy standards, and it says, No more. EPA, you are out of that. You can't deal with it ever again, even though we know fuel economy, when we get it done right, takes those toxins out of the air, plus we get better fuel mileage, and that will get us off of foreign oil. It takes that away. Chalk one up in the Middle East for oil barons. That is good for them. It is not good for America, but yes, chalk that up for them.

We already know what happens to kids. Let's show this picture because it shows the look on this child's face. This is what happens to our kids when the air is dirty.

The fact is, if we take EPA out of the business of cleaning up carbon pollution and all the co-contaminants that go into the air with it, such as mercury and others I could list, people are going to be sick. But here is beyond the pale what they do: In addition to those things, they even stop in this amendment the Carbon Registry, so that, America, you might as well cover your eyes, cover your ears, and cover your mouth, because you will not speak evil, you will not hear evil, you will not see evil. You will not see, you will not hear, and you cannot speak about the carbon pollution in the air.

That is what is going on here. So my friend is right to connect this to a whole line of faulty reasoning that the American people have been asked to swallow.

But I have news for you. They are smart. Madam President, 69 percent

think EPA should update the Clean Air Act standards with stricter air pollution limits; 68 percent believe Congress should not stop EPA from enforcing the Clean Air Act; and 69 percent believe EPA scientists, not Congress, should set pollution standards.

So this vote we will have tonight—I hope we will have it tonight—is about whether Congress should play doctor and scientist and decide what is best for the people or allow that to be done by the physicians, by the scientists, and by an agency that is extremely popular in this country.

It is not popular right here, right now, I will tell you that, because the polluters don't want anything to do with it. But we don't represent polluters, we represent everyone—everyone. And a vast majority want us to say no to this McConnell amendment.

So I yield to my friend, if she has a final comment or question.

Ms. CANTWELL. I thank the chair of the EPW Committee, a great legislator, for protecting the interests of consumers on this issue. I serve with the Senator on the Commerce Committee, and I see her fight for consumers every day. Her passengers' bill of rights for the airlines on the FAA bill is another perfect example of how she is thinking about how all legislation impacts individuals and their rights, and this is about the right to clean air and clean water and to make sure we are not going to cut EPA out of the regulation of pollutants business. I don't know why we would do that. That is their day job. They are supposed to regulate pollutants. The Supreme Court says they are supposed to regulate pollutants.

So I thank my colleague for waging this battle against this amendment that, as she has outlined, has these radical notions in it. But I guess I go back and say: We can try to keep hanging on to the past and saying the past is going to take us somewhere, but that usually doesn't work.

My colleague from California understands probably more than any other because of the efficiency gains her State, California, has made in creating jobs and in getting more out of our current energy supply. The initiative that was just run in California, I think that was about going back to the past, too, wasn't it? That was the initiative where people said: Do we want to go backward or forward? The people spoke in California, and they said let's move forward.

So I would conclude by thanking my colleague and asking her just one last time, from an economic perspective, if America can afford this amendment. How can we afford this amendment if it is going to cost us that much in health care costs; if it is going to cause the loss of the advancements we have seen in the automobile industry? I would think Detroit alone, if we pass this amendment, would stop and say: Wait a minute. Do we even have to comply with the mile-per-gallon already on the

books because it seems as if Congress is saying they are out of the business.

So I would just say to my colleague from California, how can we afford this amendment? They would like to try to claim that as the only high ground of their debate, that somehow they are protecting jobs. But they are not protecting jobs. They are basically trying to take 18th-, 19th-, and 20th-century jobs and somehow saying they do not have to comply with the Clean Air Act. So I, again, ask my colleague whether we can afford that kind of amendment and just thank her for her leadership and tremendous support.

We all come here for different reasons, and we are all motivated by different reasons, but I know the Senator from California is motivated by doing what is right for the consumer and consumer interests. So I thank her for standing up for that voice that may not be heard today on this important issue.

Mrs. BOXER. Before my friend leaves, I thank her so much, and I am going to leave the floor so my Republican friends have time to speak on this issue. America will hear a lot of different stories from a lot of different people. But, remember, this is pretty simple. This amendment stops the Environmental Protection Agency from doing its job.

I thank my friend and tell her that we can't afford this amendment. This amendment will hurt America. It will hurt it in every way. It will hurt the health of Americans, it will hurt jobs in this country, it will hurt consumers, and I am proud to stand with her.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maine.

AMENDMENT NO. 193

Ms. SNOWE. Madam President, I would like to speak to the amendment that I called up earlier, amendment No. 193. This is a bipartisan amendment that is being cosponsored by the chair of the committee, Senator LANDRIEU, as well as Senator COBURN, who, as we all know, has been recognized as a true leader in this body for streamlining the Federal Government.

We had a discussion recently about what programs or agencies or entities could be eliminated, and we readily identified the National Veterans Business Development Corporation—simply known as the TVC—as an example of an organization that the Federal government should sever its ties with, for the reasons that I will enumerate, Madam President.

The Veterans Corporation has been ineffective and controversial since its inception as part of the Veterans Entrepreneurship and Small Business Development Act back in 1999. In fact, in December of 2008, the former Small Business Committee chairman, Senator KERRY, and I investigated the Veterans Corporation and issued a report detailing the organization's blatant mismanagement and the wasting of taxpayer dollars.

Madam President, I ask unanimous consent to have printed in the RECORD pages one through four of the report and refer interested persons to the following Web site, for the full text of the report: <http://sbc.senate.gov/Committee%20Report%20on%20TVC.pdf>

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

UNITED STATES SENATE COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

REPORT ON THE VETERANS CORPORATION

I. COMMITTEE INVESTIGATION

On March 3, 2008, the Senate Committee on Small Business and Entrepreneurship (Committee) launched a bipartisan investigation of the National Veterans Business Development Corporation—better known as The Veterans Corporation (TVC)—at the request of Senator John Kerry, Chairman of the Committee, and Senator Olympia Snowe, the Committee's Ranking Member. TVC, a federally-chartered, nonprofit corporation, has received \$17 million in taxpayer funds since 2001, but has struggled to fulfill its statutory mission of providing veterans with access to entrepreneurial technical assistance and partnering with public and private resources to help veteran entrepreneurs start or grow small businesses.

Since TVC was authorized in 1999, the Committee has raised questions about the management and spending decisions made by the organization and its leaders. Two reports issued in 2003 and 2004 by the Government Accountability Office (GAO) criticized TVC for a lack of internal controls, an inability to measure the effectiveness of its programs, and TVC's failure to become self-sufficient.<sup>1</sup> Over the years, staff members from several Congressional committees have rivet repeatedly with TVC to impress upon TVC's leaders the importance of becoming self-sufficient and reminding them of TVC's duty to “. . . establish and maintain a network of information and assistance centers for use by veterans. . .” as mandated by the organization's enabling legislation, Public Law 106-50—the Veterans Entrepreneurship and Small Business Development Act of 1999 (PL 106-50).

In response to concerns raised by the Committee and several veteran service organizations, TVC has repeatedly assured members of Congress that TVC was taking the necessary steps to correct its past failures. However, after various meetings with TVC officials and after reviewing its FY 2007 annual report, the Committee questioned TVC's direction and whether any significant changes had been made over the past few years. Consequently, the Committee launched the investigation to determine whether TVC has adequately addressed the concerns raised by the GAO in its previous reports, and by Congress and veterans groups in recent years.

During the course of the investigation, the Committee's staff reviewed various categories of documents furnished by TVC, as well as others that the Committee subpoenaed from TVC's financial institutions. Additionally, Committee staff conducted numerous interviews with TVC insiders, including each current member of TVC's board of directors (Board); TVC's acting president, John Madigan; its former director of finance; and its highest-paid independent contractor. TVC's former president, Walter Blackwell, declined Committee staff's repeated requests for an interview.

II. EXECUTIVE SUMMARY

There are 23,400,000 veterans in America today.<sup>2</sup> TVC was founded to provide these

veterans with the resources and guidance needed to start and grow successful small businesses. The Committee staff's investigation revealed an entity that has been not only ineffective in meeting its responsibilities to our nation's veterans, but also troublingly irresponsible in its use of taxpayer dollars.

A. SUMMARY OF REPORT FINDINGS

Based upon its investigation, the Committee staff makes the following findings:

1. Failure to Achieve Statutory Mission. TVC has not accomplished its statutory mission as a result of the organization's:

a. Failure to Support Veteran Business Resource Centers. Since its founding, TVC has spent only 15 percent of the federal funding it has received on the veterans business resource centers (Centers), which TVC was required to establish and maintain under PL 106-50. In FY 2008, the percentage dropped to about 9 percent. As a result, the Centers have been faced with the possibility of closure.

b. Wasteful Programs. TVC spent its limited resources on several programs that bore little or no relation to the organization's statutory mission, including at least \$13,000 on a teen essay contest and a movie promotional tour. Most Board members either had no recollection of the promotional tour or did not fully understand the extent to which TVC was involved with it.

c. Lack of Outcomes-Based Measurements. TVC has largely reported the results of its programs by measuring their activity, rather than their outcomes. This has prevented TVC from accurately determining whether its programs are accomplishing their intended purposes.

2. Mismanagement of Federal Funds by TVC's Leadership. TVC's leaders misspent hundreds of thousands of dollars in taxpayer funds on:

a. Unacceptably High Executive Compensation. TVC's executives received unacceptably high levels of compensation given the organization's limited resources and reach. While an average of 15 percent of TVC's federally appropriated funds went to the Centers, 22 percent of TVC's FY 2007 federal appropriation dollars were spent on its top two executives' compensation packages alone. TVC's Board continued to reward these executives with raises and bonuses, despite reductions in TVC's federal appropriation and a lack of citable program results under their leadership. See Appendix A.

b. Dubious Expenditures. TVC spent tens of thousands of dollars on expensive dinners for employees and Board members at high-priced D.C. restaurants, luxury hotel rooms, first class travel arrangements, and memberships to various airline club lounge programs. TVC's top two executives failed to report over \$91,000 in charges on their company-issued credit cards. In addition, TVC's executives failed to follow proper expense reimbursement procedures and, in some cases, either approved their own expense reports or had them approved by a subordinate employee who was under their direct supervision. And even when their expenses were reported, the executives appeared to have demonstrated a general disregard for the value of taxpayer dollars, incurring, for example, over \$40,000 in meal expenses in less than three years. See Appendix B.

c. Failed Fundraising Efforts. During fiscal years 2005 through 2007, TVC leaders spent \$2.50 for every \$1.00 they raised through the organization's fundraising efforts—almost entirely at the taxpayers' expense. During FY 2007, TVC spent over \$240,000 in fundraising expenses while raising only \$64,000. In the absence of a successful private fundraising program, TVC spent much of its limited resources lobbying members of Congress for annual appropriations.

## B. CAUSES OF TVC'S FAILURES

Based upon its investigation, the Committee staff identified the following causes for TVC's failures:

1. Ineffective Board Governance. Through broad decision-making powers granted to TVC's executive committee under the organization's bylaws, the committee has approved a number of measures without proper approval or ratification from the full Board. For instance, last year \$40,000 in employee bonuses were not properly approved by the full Board. In addition, several of TVC's Board members have lacked the level of engagement necessary to effectively discharge their duties to the organization. For example, the chairman of TVC's audit committee could not correctly identify the committee's other two members.

2. Fragmented Oversight. TVC's status as a private entity—outside the reach of typical federal agency oversight—led to fragmented and inadequate oversight mechanisms. The lack of sufficient oversight prevented lawmakers from properly monitoring TVC's operations and diminished opportunities for necessary changes to TVC's culture. Even where federal law required an oversight mechanism through the Single Audit Act, TVC either ignored, or was incorrectly advised of, its duty to comply with the statute. In doing so, TVC removed a crucial external check on the organization's internal controls, as well as an additional means to measure its efficiency and effectiveness in expending taxpayer dollars.

## C. SUMMARY OF REPORT RECOMMENDATIONS

Based upon its findings, the Committee makes the following recommendations:

1. No Further Federal Funding. Through its misguided programs, excessive executive compensation, and questionable spending decisions, TVC has squandered hundreds of thousands—if not millions—of the \$17 million in taxpayer dollars it has received since 2001. Given TVC's poor track record, its lack of effective programs, and its Board members' own admission that taxpayers have not received an adequate return on their investment, TVC should receive no federal funds for the remainder of FY 2009 and for the foreseeable future.

2. Transfer of Responsibility. If, in the absence of federal funding, TVC cannot adequately support the Centers, responsibility for funding and overseeing the Centers should be transferred to the Small Business Administration's Office of Veterans Business Development, which should receive additional federal funds to carry out this new responsibility.

Ms. SNOWE. Madam President, the report was initiated by the Small Business Committee, and it found, among other things, that the Veterans Corporation failed to support Veterans Business Resource Centers; it had wasteful programs; it lacked outcome-based measurements; it provided its employees with unacceptably high executive compensation; it engaged in dubious expenditures; and it failed to properly raise the necessary funds to become self-sufficient, as they were required to do under the law.

For example, our report concluded that the Veterans Corporation had spent only 15 percent of the Federal funding that it had received on Veterans Business Resource Centers, which the TVC was required to establish and maintain under law. In fact, in fiscal year 2008, the percentage dropped to about 9 percent.

We also found that the executives at TVC received unacceptably high levels of compensation given the organization's limited resources and reach. While an average of 15 percent of the Veterans Corporation's federally appropriated funds went to the centers, 22 percent of the funds that were appropriated in 2007 were spent on its top two executives' compensation packages alone. Moreover, the organization miserably failed to raise the sufficient funds, as required by law, in order to develop self-sufficiency and independence from Federal appropriations.

During fiscal years 2005 through 2007, the Veterans Corporation leaders spent \$2.50 for every \$1 they raised through the organization's fundraising efforts—almost entirely at the taxpayers' expense. Additionally, through broad-based decision making powers granted to the Veteran Corporation's executive committee under the organization's bylaws, the committee approved a number of measures without proper approval or ratification from the full board, including \$40,000 in employee bonuses in 1 year alone.

Since the issuing of the Small Business Committee's report, Congress has appropriated no additional funding for TVC, and the Small Business Administration has incorporated the Veterans Business Resource Centers previously funded into the existing network of the Veterans Business Outreach Centers. These moves were publicly supported by a variety of veterans service organizations, including the American Legion and the Veterans of Foreign Wars.

For example, in August of 2008, the American Legion passed a resolution at its national convention stating that the legion "no longer supports the continuing initiatives or existence of the national Veterans Business Development Corporation."

Madam President, I ask unanimous consent to have a copy of that resolution printed in the RECORD.

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

## RESOLUTION NO. 223

Whereas, small business ownership and entrepreneurship are the backbone of the American economy and foundation for democracy; and

Whereas, veterans, through their service, have cultivated experiences, skills, and self-discipline that make them well suited for self-employment; and

Whereas, Congress enacted the Veterans Entrepreneurship and Small Business Development Act of 1999 (P.L. 106-50) to assist veteran and service-disabled veteran owned businesses by creating the National Veterans Business Development Corporation; and

Whereas, the National Veterans Business Development Corporation is no longer fully engaged in providing entrepreneurial education, services and advocacy to promote and foster successful veteran entrepreneurship within the veteran business community: Now, therefore, be it

*Resolved, by The American Legion in National Convention assembled in Phoenix, Arizona, August 26, 27, 28, 2008, That The American Legion no longer support the continuing*

initiatives or existence of the National Veterans Business Development Corporation.

Ms. SNOWE. At present, TVC still exists, and it is still federally chartered. But as I indicated earlier, it receives no Federal funds, and has no department or agency oversight.

So in light of everything I have discussed, and based on the report, it is my belief that the Federal Government must take the next step and fully sever all ties with the organization. I urge my colleagues to support this bipartisan initiative.

It is important to underscore the fact that the report the committee undertook back in 2008 illustrated serious mismanagement problems with this organization.

As indicated in the summary of the report findings, it failed to achieve its statutory mission, which was to support the Veterans Business Resource Centers; it spent its limited resources on several programs that bore little or no relation to the organization's statutory mission; and it largely reported the results of its programs by measuring its activity rather than its outcomes. So it was very difficult to actually determine what TVC's results were and whether they were consistent with the intended purposes under Federal statute. TVC mismanaged Federal funds by providing for high executive compensation, and had dubious expenditures.

The report indicates that TVC spent tens of thousands of dollars on expensive dinners for employees and board members at high-priced restaurants in Washington, luxury hotels, first-class travel arrangements, memberships to various airline club lounges, and TVC's top two executives failed to report over \$91,000 in charges on their company-issued credit cards.

It is certainly an abysmal track record, regrettably, and that is why I think it is important that even though we do not provide any additional appropriations—no appropriations—we should sever any linkage of Federal ties with this entity.

So, Madam President, I would hope we could get bipartisan support, and I will ask for the yeas and nays.

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

At this time there is not a sufficient second.

The Senator from Texas.

Mr. CORNYN. Madam President, I ask unanimous consent to set aside the pending amendment and call up my amendment, No. 186.

The ACTING PRESIDENT pro tempore. Is there objection?

Ms. LANDRIEU. I will object. I know the Senator is very interested in offering this amendment, and we are very interested in hearing about it, but we have now six amendments pending. So if the Senator would like to go ahead and speak about the amendment, explain the amendment, and when we can get an agreement about how we should proceed with these amendments, we will move forward.

Mr. CORNYN. Madam President, I am sorry the Senator from Louisiana objects to my calling up the amendment and getting it pending. I was told—and, indeed, I think everyone is operating under the impression this is going to be an open amendment process—we would have debate on important issues. This happens to be relating to the establishment of a sunset commission, such as that which was recommended by the fiscal commission appointed by the President of the United States and which enjoyed broad bipartisan support.

Ms. LANDRIEU. Will the Senator yield for a clarification?

This most certainly is an open process. What I was trying to explain to the Senator is there have been about a half dozen other Senators who have come to the floor during the day—such as Senator HUTCHISON, who came down earlier—and we are trying to be accommodating in the order the Senators come. So if the Senator doesn't mind explaining his amendment, I commit to him that Senator SNOWE and I will try to get a pending list as soon as we can.

Mr. CORNYN. Well, Madam President, I have been waiting all day, as all my colleagues, and I am on the Senate floor to offer an amendment. I am sorry the Senator thinks it is necessary to object. I am not sure what harm it causes to get another amendment pending, and I am happy to vote on any of these amendments as the majority leader determines to set the votes, or the bill managers. But I will speak just briefly on amendment No. 186, which I will call up at the appropriate time.

All of us can agree the Nation faces the greatest fiscal challenge in its history, with growing deficits and record debt. Currently, the deficit is roughly 9.8 percent of our gross domestic product, and the debt is north of \$14 trillion—so high that, in fact, we will be asked sometime in the spring to consider voting on lifting the debt limit, in effect raising the debt limit on the Nation's credit card because it is maxed out.

According to the two Cochairs of the President's own fiscal commission, the Nation could be facing a debt crisis, a loss of confidence that we would actually be able to pay back our debts, and that crisis could come as soon as in the next 2 years.

That is why the amendment I am offering today, which I hope will enjoy broad bipartisan support, establishes, indeed, a bipartisan U.S. Authorization and Sunset Commission that will help improve oversight and eliminate wasteful government spending. The amendment is modeled after the sunset process that was instituted in Texas in 1977, which has over the years eliminated 50 different State agencies and saved taxpayers more than \$700 million. That may not seem like big money in Washington terms, but that is a substantial savings in Texas.

This is what the President's own fiscal commission had to say about such a concept:

Such a committee has been recommended many times and has found bipartisan support. The original and arguably the most effective committee exists at the State level in Texas. The legislature created a sunset commission in 1977 to eliminate waste and inefficiency in government agencies. Estimates from reviews conducted between 1982 and 2009 showed a 27-year savings of over \$780 million, compared with expenditures of \$28.6. Based on savings achieved, for every dollar spent on the sunset commission the State has received \$27 in return.

This commission under my amendment would be made up of eight Members of Congress who would focus on unauthorized programs that continue to receive taxpayers' money. As the chair knows, one of the biggest problems we have when it comes to unsupervised spending is the fact that the authorizing committees do not necessarily authorize a program, but yet the appropriators for one reason or another have appropriated money, and those are never given the kind of oversight that is really necessary. This means Congress has dropped the ball—spending without authorization—when it comes to doing the hard work of figuring out if these programs are working, but the spending nevertheless continues.

As Ronald Reagan famously said, the closest thing to eternal life here on Earth is a temporary government program—there is no such thing here in Washington, DC.

The Congressional Budget Office regularly finds that billions of dollars are being spent in unauthorized programs.

In addition, the commission would focus on duplicative and redundant government programs annually identified by the Government Accountability Office. The GAO, as we all recall, recently found that billions of taxpayer dollars are being spent on duplicative and redundant government programs. For example, the Federal Government has more than 100 different programs dealing with surface transportation issues—100; 82 monitoring teacher quality; 80 for economic development; 47 for job training; and 17 different grant programs for disaster preparedness. I think common sense would tell us that kind of duplication and overlap is not efficient and it is not an effective use of taxpayer dollars.

Under my amendment, the sunset commission would review each program and submit the recommendations, which must be considered by Congress under expedited procedures like we use under the Budget Act. In other words, it could not be filibustered; it would have to be voted on. Congress would not be able to ignore the commission's reports.

The amendment provides expedited procedures that would force Congress to consider and debate the commission's work. Congress would have 2 years to consider and pass the commission's recommendations or to reauthor-

ize the program before it would be abolished by operation of the law. In other words, the program is abolished if Congress fails to reauthorize it 2 years after the commission completes its review and analysis of the program.

This commission would help force Congress to do the necessary oversight to make sure every taxpayer dollar is wisely spent. While we all do our best to ensure that proper oversight is given to each program, we simply do not have the tools currently available to monitor and review every program. This sunset commission would provide Congress with those tools. It would improve government accountability and provide for greater openness in government decisionmaking.

We know programs that have simply outlived their usefulness or failed to spend taxpayer dollars efficiently are a burden on the American taxpayer and should be eliminated. We simply do not have the means to get there from here. Congress has a spending process in place, and we should put together a sunset process for streamlining and eliminating government waste. That is what this amendment would do.

The commission would supplement the work of the congressional committees that are already in place that I know mean well and intend to do the oversight but simply never seem to get around to it. It will not replace the work of those committees; however, it will supplement—and I would say improve and strengthen—their oversight work. It will serve as another set of eyeballs, keeping a close eye on the wallets belonging to taxpayers.

This commission will help Congress answer a simple but powerful question: Is this program still needed? Is this program still needed? A sunset commission would help us make many programs more effective by giving them the attention they deserve and exposing their faults to the light of day. It will improve government accountability and provide for greater openness and government decisionmaking. Programs that outlive their usefulness or fail to spend tax dollars efficiently are a burden on the American taxpayer and must be eliminated or reformed.

As we continue to face the mounting deficit and a struggling economy, shouldn't we be doing everything in our power to spend smarter and spend less? Imagine the tax dollars that could be saved by reviewing and revamping outdated and inefficient programs.

It is my hope that our colleagues will join me in supporting a government-wide sunset commission, and I urge all my colleagues to support this amendment so we can start setting our spending priorities straight.

THE PRESIDING OFFICER (Mr. CASEY). The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I know Members are following this debate carefully, and their amendments. Let me bring everybody up to date. It is about 5 after 5. We hope to have a vote around 6 o'clock, potentially two

votes. We have about five amendments pending. Senator CORNYN would like his amendment pending, Senator HUTCHISON is here to speak about I think two amendments she may want to have pending, and Senator BARRASSO is on the floor to speak on the underlying McConnell amendment.

I will ask unanimous consent in a few minutes to try to get one or two votes set up for 6 o'clock, potentially get these other amendments pending, and set a time for votes tomorrow so we can move through it. We want to have as open a debate as possible, but we also really want to focus on the bill at hand, which is the Small Business Reauthorization Act and related measures. Many of these are somewhat related to jobs and the economy, so we are trying to be liberal in our views here. But we do want to try to be as orderly and as appropriate, as Members have come down to the floor, in the order they have come.

Why don't we turn now to Senator HUTCHISON, and Senator CORNYN—we will get back to the Senator as soon as we can about getting his amendment pending, if we can do that before the night ends.

Mr. CORNYN. Mr. President, I am going to object to any unanimous consent requests until we have some understanding about when I will be allowed and others will be allowed to offer their amendments.

The PRESIDING OFFICER. The Senator from Texas.

#### AMENDMENT NO. 183

Mrs. HUTCHISON. Mr. President, I wish to speak in favor of the McConnell amendment, which is the pending amendment, which the Senator from Louisiana is trying to get tagged for a vote. But I also wish to have the opportunity to support two of the amendments that I have offered—at least filed—and would like to have them pending as soon as the process allows.

Let me just say that I do support the McConnell amendment. Let me be pretty clear and pretty simple. In the last session of Congress, Senator LIEBERMAN and Senator KERRY offered a climate change regulation that would have caused our fuel prices to go up exponentially. Senator Bond and I did a study on the Kerry-Lieberman multi-trillion-dollar tax bill that would have happened if Congress had passed their legislation. We estimated that it would have been about \$3.6 trillion in total fuel-added expense to the small businesses and the families in this country. We have documented that in this report.

I ask unanimous consent to have printed in the RECORD the executive summary of this report.

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

#### EXECUTIVE SUMMARY

The American Power Act proposed by Senators Kerry of Massachusetts and Lieberman of Connecticut is the latest attempt to cap American carbon emissions through new fed-

eral legislation. However, Kerry-Lieberman is unique from previous efforts by also proposing a new gas tax on the transportation sector. American families and workers will pay this new climate-related tax on the gasoline, diesel and jet fuel they use to drive and ride in their cars, trucks, tractors and planes. This report documents the cost of this proposed Kerry-Lieberman gas tax.

Past attempts at federal climate legislation have struggled with how to cut carbon emissions from the transportation sector. A cap-and-trade approach used on industrial facilities is not ideal for transportation emissions, essentially becoming a complicated indirect tax on fuels. Kerry-Lieberman takes the direct approach of assessing a fee on transportation fuels linked to their carbon content.

Kerry-Lieberman's climate-related gas tax will drive up the prices of gasoline, diesel and jet fuel. The Kerry-Lieberman gas tax hits families at every income level, farmers in every field, truckers on every road and workers in every position. Determining the size and cost of the Kerry-Lieberman gas tax is essential to knowing how heavily this proposal will hurt Americans.

The information and methodology needed to calculate the Kerry-Lieberman gas tax is all publicly available. The U.S. Energy Information Administration annually predicts future U.S. fuel consumption. The U.S. Environmental Protection Agency (EPA) has already adopted methods for calculating the amount of CO<sub>2</sub> emitted from each gallon of transportation fuel. Finally, Kerry-Lieberman includes both a floor and ceiling for carbon prices that will form the cost range for the program. Additionally, EPA has just released its estimates of future carbon prices that would form the basis of the gas tax under Kerry-Lieberman. Utilizing this information reveals a truly massive gas tax that Kerry-Lieberman would impose on the American people.

Kerry-Lieberman will impose a new gas tax of at least \$2.3 trillion and up to \$7.6 trillion. Under EPA estimates, the Kerry-Lieberman gas tax would total \$3.4 trillion:

\$1.29 trillion to \$4.18 trillion gasoline tax on American drivers, workers and businesses (\$1.87 trillion under EPA estimates)

\$744 billion to \$2.46 trillion diesel fuel tax on American truckers, farmers, workers and businesses (\$1.08 trillion under EPA estimates)

\$294 billion to \$963 billion jet fuel tax on American air passengers (\$425 billion under EPA estimates)

These figures include provisions in the legislation intended to reduce the impact of this massive new gas tax. While present, the allowances provided to refiners mitigates only 2% of the gas tax, leaving consumers with a new \$2.3 trillion to \$7.6 trillion gas tax bill.

Another component of Kerry-Lieberman is its refund program. Building on legislation from Senators Cantwell and Collins, Kerry-Lieberman refunds a portion of its tax and fee revenues back to consumers. Kerry-Lieberman, like the House-passed Waxman-Markey cap-and-trade bill, also attempts to shield energy consumers from its massive cost increases with price relief subsidies. Over the life of the bill, these refund and relief programs amount to approximately 69 percent of the revenues it collects. However, Kerry-Lieberman proposes the government keep the remaining 31 percent of its new tax and fee revenues and spend it on new government programs and deficit reduction. Applying this 69/31 refund/spending ratio to the new gas tax means that U.S. consumers would still face a net tax burden of between \$734 billion and \$2.4 trillion under Kerry-Lieberman (31 percent of \$2.3 trillion and \$7.6 trillion).

Mrs. HUTCHISON. Mr. President, the reason we did not pass this legislation is everyone realized it would have raised the cost of gasoline. Now the EPA is trying to do the same thing by fiat. By executive fiat, they are trying to regulate greenhouse gases. What they are going to do is raise the cost of fuel at a time when people are suffering at the pump. I mentioned earlier that I filled up my pickup truck last weekend. It was almost \$50. I know every American is having the same experience. If they have an SUV, it is even more.

We cannot allow the EPA, through greenhouse gas regulations, to increase the cost of fuel when they put that regulation on a refinery. We have very few refineries. We have not built a new refinery in this country since 1973 because it is so regulated, so that we really have a shortage of refineries. It is one of the problems with the supply issue in providing gasoline at reasonable prices.

We need to be stepping back, not stepping forward with more regulations. The EPA is doing something Congress would not do. Oddly, the EPA is not authorized to make regulations that Congress does not pass. They are to implement the law, not make it. But that is what they are doing, and we are trying to stop it with the McConnell amendment that would repeal the EPA greenhouse gas regulations. I hope my colleagues will support it.

In addition, as a former small businessperson myself, I know it is very hard for small businesses to make ends meet. I have heard from so many of the people in Texas who are now trying to make ends meet and keep people employed in small businesses. This health care reform bill is causing them to not hire people because they do not know what the costs are going to be.

Basically, you are going to be taxed if you are an individual or a small business that does not adopt the government-prescribed health care insurance for your employees or your family. That is the bottom line. If you do not do exactly what the government says and meet their government-required standards, even if the employees are happy with their health care coverage or certainly do not want to be left to the government health care, you will still get the fine.

Most small businesses I talked to were saying: I am going to pay the fine. It is easier. I don't have liability. I don't have to hire people to work with my employees to get the best prices. That takes a lot of my time and it is not helpful to the bottom line of my company, and therefore I am just going to pay the fine and let the government do it.

Health care is not going to improve for the small businesses and for the families in this country.

My amendment, No. 197, that has been filed, which I hope to have pending, is called the SOS Act—Save Our States—meaning that while the Florida case that has said the health care

reform law is unconstitutional is still unsettled, States and small businesses should not be spending the money to implement a law that may be thrown out anyway by the courts. Let's not cause the financially strapped States and small businesses in this country to have to spend the money to implement the health care reform bill until we know it really is the law of the land. Right now, that is a question because two courts have thrown it out as unconstitutional, one in Virginia and one in Florida.

So my amendment, No. 197, will say that we will delay implementation. We will not require any costs to be incurred by a business, an individual, or a State until it is clear it has gone to the Supreme Court and the health care reform act really is the law of the land.

How much could that save? Millions for our States and millions for the businesses across our country. I hope we can get this amendment pending.

The second amendment is No. 198. It is called the Lease Act. It is simple. Today, we have a virtual moratorium. My colleague from Louisiana has designated what we have as a permitorium, because there is almost no activity—new activity—in the Gulf of Mexico in deepwater drilling activity.

We know that gasoline at the pump is going up because there is a shortage of supply. If we would get these leases out there, all of the exploration that is being done, and allow the people who have paid the bonuses for the leases to fully use their leases, then we would give them 1 more year to be able to determine if it is worth it to drill a well in the Gulf of Mexico and start pumping oil and increase our supplies through our own natural resources that God has given to our country.

Our amendment No. 198, which is the Hutchison-Landrieu bill, would extend for 1 year, which is the time these people have paid for a lease but not been able to use it, because there is a moratorium on the deepwater drilling, and the Department of Interior has now only given a maximum of up to three, possibly only two permits for the people who had been able to explore before the BP spill.

I hope to get both of those amendments up. I can think of nothing that would help small business more than to know they will not have to implement the health care reform act, they can go ahead and hire people, free them to build up their employment base, which is what we all want to do, build our economy and, secondly, to hopefully get a better price on fuel for them so they will not have to suffer with these high gasoline prices.

Most small businesses, in a poll, said their top three expenditures include the cost of fuel, electricity, and natural gas. So we need to give our small businesses help. I hope we can get our amendment Nos. 197 and 198 pending at the appropriate time.

At this point, I hope my colleagues will support Senator MCCONNELL'S

amendment to stop the EPA from adding costs to the refineries and the gasoline producers of our country.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. I thank the Senator from Texas. I appreciate the patience of my colleagues who are on the floor. Because we have had two or three colleagues from this side of the aisle speak, I thought it would be appropriate to go to the Senator from Oregon, then recognizing Senator BARRASSO to speak on his amendment and Senator PAUL to then speak on his amendment.

If no one objects—I do not see anyone on the floor—if we can go in that order, I think everyone can be accommodated before the vote at 6 o'clock.

Is that okay with everyone?

Thank you.

The PRESIDING OFFICER. The Senator from Oregon.

AMENDMENT NO. 183

Mr. MERKLEY. I rise to address the McConnell-Inhofe amendment to repeal EPA's authority to regulate greenhouse gases. My colleague from Texas was addressing this amendment and noting her support for it. But I wish to bring to my colleagues' attention several reasons this amendment is bad policy for America.

First and foremost, this amendment increases our addiction to foreign oil. It increases oil consumption by 455 million barrels. Right now we import about 9.7 million barrels of oil per day. This amendment is equivalent to 6 weeks worth of oil imports. Recognize that gas prices are about \$3.50 per gallon, so the McConnell-Inhofe amendment amounts to a \$68 billion pricetag for working families to buy gas from oil imported from overseas.

This is not a tax that in any way supports our economy. In fact, this is a tax that goes out of our economy to purchase energy from overseas—from the Middle East, from Nigeria, from Venezuela. That is very profitable to the companies that supply that oil. It is very profitable to the governments far outside of the United States of America. But it certainly hurts the citizens of our Nation. It takes our energy dollars and puts them elsewhere, rather than keeping them inside our economy. It decreases our national security rather than increasing our national security.

Furthermore, gasoline prices are set by the law of supply and demand. This amendment increases our demand for foreign oil. So if anything, this amendment increases gas prices.

My colleague from Texas said we cannot afford to "raise the cost of fuel." I absolutely agree, and that is why we should defeat this amendment. Indeed, I think almost everyone understands that when you increase demand for a product, you drive the price up, not down. But there are some third parties that have weighed in on this conversation.

PolitiFact.com did an analysis of the claim that this amendment would keep

prices from increasing, and it did not find this claim to be true. It found it to be false. So at this moment, when world events are unfolding in Cairo in Egypt, in Libya, and we recognize that our dependence on foreign oil is a huge strategic vulnerability for the United States of America, that the flow of our energy dollars overseas is a huge mistake for our economy, why—why—would we vote for an amendment designed to increase our dependence, our dependence on oil, our dependence on foreign governments, decrease our security, and damage our economy? It is simply a wrong amendment in all that framework about our dependence on foreign oil.

Second, this amendment is an attack on public health. It is an unprecedented attack, asking Congress to step in and veto the scientific judgment of the EPA scientists. It tells the agency charged with protecting our public health and the health of our children to ignore dangerous global warming, gas pollution, carbon pollution, and a long list of other global warming gases.

The Clean Air Act in 1990 alone prevented 205,000 premature deaths, 674,000 cases of chronic bronchitis, 22,000 cases of heart disease, 850,000 asthma attacks, and 18 million cases of child respiratory illness.

In 2010, the Clean Air Act prevented 1.7 million asthma attacks, 130,000 heart attacks, 86,000 emergency room visits. It has been studied time and time again. What we know is the application of the effort to clean up our air results in all of us having a better quality of life.

This amendment, this attack on public health, is the wrong policy for our Nation. Again, it is something that third parties have weighed in on, those who seek to protect our health and our health care system. The American Lung Association calls this amendment "a reckless and irresponsible attempt to put special interests ahead of public health." The American Public Health Association has weighed in similarly.

Finally, this amendment is an attack on science. The Clean Air Act, passed by a large bipartisan majority and signed by President George H. W. Bush, tasked the EPA with updating our clean air standards and setting commonsense limits on pollution based on recent science.

This amendment would have Congress step in and overrule the EPA on science, not just by gutting basic protections for clean air and clean water but by repealing EPA's program for having polluters simply report their pollution.

In other words, this amendment says to the American public, we are not even going to let you know about the dangerous pollutants being put in the air. Certainly that philosophy, not only of attacking our public health, but of attacking our right to know, is absolutely wrong.

Colleagues, let me wrap up. This amendment increases our dependence

on foreign oil, it increases air pollution that endangers our health, it overrules the Nation's top scientific experts who are warning us to reduce pollution, not increase it, it asks American families to pay \$68 billion to the oil industry and foreign governments, instead of keeping that money here at home. It is a mistake. Let's vote it down.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. PAUL. I ask unanimous consent to set aside the pending amendment and call up my amendment No. 199.

The PRESIDING OFFICER. Is there objection?

Ms. LANDRIEU. I object to making it pending but not for discussion.

The PRESIDING OFFICER. Objection is heard.

Mr. PAUL. This amendment, No. 199, would save taxpayers \$200 billion. Recently you have seen some discussion, but I think the American taxpayers are actually baffled that there is not more discussion up here.

We have proposals of a deficit from the other side of \$1.65 trillion and yet we are not down here discussing this. We have not passed a budget. We have not passed any appropriations bills this year. The American people wonder what we are doing. You wonder why the American people say Congress has about a 13-percent approval rate? Why are we not today talking about a budget? Why are we not talking about appropriations bills? Why do they not come out of committee?

Then when we get to the proposals, look at the proposals. In the red we have the deficit, \$1.5 trillion, maybe \$1.6 trillion. Here we have the proposals. The other side, you cannot even see without a magnifying glass, \$6 billion. We borrow \$4 billion in 1 day. We spend \$10 billion in 1 day. And the best they can do is \$6 billion for a whole year.

Our proposal is a little bit better but still does not touch the problem, \$61 billion in cuts. It sounds like a lot of money. You know what, we increased spending by \$700 billion, and now we are going to nibble away at \$61 billion. But put it in perspective. Saving \$61 billion on \$1.5 trillion means that either proposal, Republican or Democrat, is going to add trillions of dollars to the deficit.

I am proposing something a little more bold. I am proposing \$200 billion in cuts. I think it is the very least we can do. Two hundred billion dollars in cuts can be gotten rather easily. The Government Accountability Office said there is \$100 billion in waste, duplicate programs. Why do we not cut that? What are we doing?

If you look at the chart of what is going on here, and you say, what has happened to spending, the yellow line, around 2008 when we got the current administration, is going up exponentially. That is the spending that is going up. The spending is driving the deficit.

You look at the two lines over here. You cannot even see the difference. This is the Republican proposal to cut \$61 billion in proposed increases. Spending is still going up. The deficit is going up. We need to do more. The danger is if we do nothing that we may well face a debt crisis in our country. We need to do more. My amendment will cut \$200 billion in spending.

When I go home and I talk to the grassroots voters, they say, that is not even enough, we need more. But at the very least, let's have a significant cut in spending and do something to get the deficit under control before it is too late.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Please let me correct myself. Earlier today I said that Senator COONS is from Connecticut. Clearly he is from Delaware. And Senator JOHANNIS is not on the floor, but Senator BARRASSO is. It has been a long day and I apologize to my colleagues. But the Senator from Wyoming is going to speak for a few minutes, and then the Senator from Vermont, Mr. SANDERS.

I am still hoping we can have a vote on one or two amendments at 6 o'clock.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Mr. President, I rise to speak about the McConnell amendment, in favor of the McConnell amendment. Gas prices have increased 43 cents in the last month, and 77 cents a gallon over the last year. These skyrocketing prices are hurting American families, and are threatening to derail the economic recovery.

You say, how much is this impact on the American family? Well, the Department of Energy says the average American family will spend about \$700 more on gas this year than they did last year. That is going to impact every family, every family trying to deal with bills and kids and a mortgage. It is not as if this problem happened overnight. For over 2 years, Americans have heard the President deliver speeches and make promises on energy.

But the President says one thing and then he does another. That "say one thing, do another" policy does nothing to ease the pain at the pump. The administration's policies are making the problems today worse. The President's reckless policies have virtually shut down offshore exploration for oil. Last week, former President Bill Clinton called the delays in offshore oil and gas drilling permits ridiculous. Offshore oil production in the Gulf of Mexico is expected to drop 15 percent this calendar year. What that means is higher gas prices and fewer American jobs. The administration actually told Congress we can replace the loss of American oil from the Gulf of Mexico with more oil from OPEC. That is exactly what this administration told Congress in October. In justifying more restrictive offshore drilling rules, the administration admitted this would lead to lower production of American oil.

The administration wrote:

The impact on domestic deepwater hydrocarbon production as a result of these regulations is expected to be negative.

Then the administration went on to say:

Currently there is sufficient spare capacity in OPEC to offset a decrease in Gulf of Mexico deepwater production that could occur as a result of this rule.

That is this administration's mindset: Don't worry about domestic production. OPEC has us covered.

The administration's shutdown of American exploration is not the only problem. The administration is also aggressively implementing Environmental Protection Agency regulations that will drive up the cost of energy. The EPA's climate change regulations under the Clean Air Act will cause gas prices for every American to go up even more. That is why I am here today. The McConnell amendment will fix this problem. Senator INHOFE originally introduced the legislation in the Senate. It was introduced in conjunction with a bill in the House by Representative FRED UPTON. This legislation will stop the Environmental Protection Agency's regulatory overreach that is going to increase gas prices.

When Congress refused to pass the President's cap-and-trade scheme last year, the administration turned to plan B—the use of the Clean Air Act to regulate climate change. The theory behind it is that additional restrictions on carbon-based energy and higher costs for gasoline are needed to make green energy more competitive. The key word is "competitive," not actually making green energy more affordable, just more competitive, not by driving down the cost of green energy but by driving up the cost of red, white, and blue American energy.

Energy Secretary Steven Chu has even said publicly: "We have to figure out how to boost the price of gasoline to the levels in Europe."

The price in Europe is \$8 a gallon. Under this cover of creating green jobs, EPA regulations are increasing the cost of red, white, and blue energy. This administration is trying to achieve its goals, the same goals as cap and tax, by placing a massive energy tax on gasoline and gasoline production.

One of the ways the EPA will use the Clean Air Act is to regulate greenhouse gas emissions from America's oil refineries. We have not had a new oil refinery built in this country since 1976. The EPA's climate regulations will make it even more difficult and more costly to build and operate refineries. The result, of course, is higher gas prices at the pump and a greater reliance on imported gasoline. The Environmental Protection Agency's climate regulations must be stopped. They are arbitrary; they are costly; they are destructive; and they are politically driven.

The EPA's climate rules are just one tool to make gasoline prices go up. But

this administration is proposing dozens more. I have introduced legislation similar to the McConnell amendment and the Inhofe bill. But my bill is more comprehensive. My bill, S. 228, is called the Defending America's Affordable Energy and Jobs Act. It will block the same manipulation of laws to increase the future cost of gasoline for all Americans. My legislation, which has the support of 20 Senators, would block the manipulation and misuse of the Clean Air Act, the Clean Water Act, the Endangered Species Act, the National Environmental Policy Act, and the use of citizen lawsuits.

I am trying to stop this administration from placing a massive energy tax on gasoline and other forms of affordable energy. The Environmental Species Act is currently being used to remove 187,000 square miles of land from energy exploration. A decision of this magnitude will drastically limit oil and gas development and exploration. They do this all in the name of climate change.

When the administration blocks production of American oil used to make gasoline, American families pay higher prices at the pump. They pay higher prices today, and the prices will remain high in the future. I plan to continue to fight the many ways this administration is trying to enact cap-and-tax policies and raise gas prices. The President says he wants renewable energy to be the cheapest form of energy. He needs to level with the American people. He needs to admit his scheme is to raise the cost of all other forms of energy and make the American people pay the bill.

We should be exploring for more American energy offshore, on Federal lands, and in Alaska. I urge my colleagues to support the McConnell amendment so we can block the administration's costly regulations and protect the pocketbooks of American families. The President's policies are making the pain at the pump even worse. It is time to stop these policies today with the McConnell amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Mr. President, I think we all know elections have consequences. I doubt seriously, however, that when most voters went to the polls last November, they were voting for more of their kids to get aggravated asthma or more people to go to the hospital with respiratory problems or more people to get sick in general. I do not think the people went to the polls this past November to vote to put big oil and big polluters in charge. I didn't see those TV ads.

But make no mistake. People may not have voted for a polluter poison agenda, but that is exactly what they are getting from Republicans in the House and their colleagues in the Senate. Their agenda is to deregulate polluters, even if it harms our national security. They want to gut the bipartisan

Clean Air Act, even if doing so harms public health. Republicans claim the Inhofe amendment would lower gas prices. That claim was found to be false by *politifact.com*. Meanwhile, the Clean Air Act is actually raising fuel economy standards and is projected to save drivers \$2,800 on gas for new vehicles.

The reason for that is pretty obvious. We are making an effort to see that cars manufactured and sold in this country get decent mileage per gallon. We wonder why all over the world people are driving cars that get 40, 50, 60 miles per gallon, and we are stuck with cars that get 15 or 20. We can, we must, and we are doing better in that area. We have to continue to go forward.

The Clean Air Act standards are projected to save 2.3 billion barrels of oil. When we get cars that are energy efficient—hybrids, electric cars—we are not consuming oil from Saudi Arabia. We all talk in the Senate about the need to move this country toward energy independence. But the Clean Air Act is actually helping to deliver it. That is good news for our national security but not for polluters. The Inhofe amendment would keep us dependent on foreign oil, something we certainly do not want to be the case.

My Republican friends claim the Clean Air Act regulations are destroying the economy. That claim is also false. This chart shows that even as we have reduced pollution in the air by 63 percent since 1970, our economy grew by 210 percent and added nearly 60 million jobs. In fact, the Clean Air Act and other environmental laws have helped create hundreds of thousands of jobs in environmental technologies and pollution control industries. If we invest properly in energy efficiency and in such sustainable energies as wind, solar, geothermal, biomass, over a period of years we will, in fact, not only clean up our environment, not only move toward energy independence but create millions of good-paying jobs.

For every \$1 invested in clean air, we see up to \$40 in return in economic and health benefits to America. We should all understand, however, that while big polluters may not like the Clean Air Act, it benefits every American. Why is it that after we have made significant progress in beginning to clean up our air, there are people who want to bring us back to the days when polluters could fill the air with all kinds of soot and other harmful products which cause disease all over America?

Thanks to the Clean Air Act, we are actually saving 160,000 lives each year. People are not dying from premature deaths, as they would have if the air they were breathing was dirty. We are literally avoiding sending tens of thousands of people to the hospital and emergency rooms every year, avoiding thousands of cases of heart attacks, skin cancer, aggravated asthma, and lung damage thanks to the Clean Air Act.

Senator MERKLEY made the point a few moments ago about the view of the

American Lung Association on this issue. They have strong concerns as to what will happen to respiratory illnesses if we weaken the Clean Air Act. We are currently reducing toxic pollution such as mercury that the CDC has said causes major developmental problems for children. Our Nation's leading public health experts, including the American Academy of Pediatrics, the American College of Preventative Medicine, the American Public Health Association, the Asthma and Allergy Foundation of America, the American Heart Association, and the American Lung Association, recently said the Clean Air Act's continued implementation is "quite literally a matter of life and death for tens of thousands of people and will mean the difference between chronic debilitating illness or a healthy life for hundreds of thousands more."

That is what is at stake. I will vote against the Inhofe amendment and urge my colleagues to vigorously oppose this attack on our public health. While this amendment may benefit wealthy oil companies, it is an attack on the health of all Americans who want to breathe healthy air and drink clean water.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I see two Members on the floor. I ask unanimous consent for Senator JOHANNIS to go next and Senator ROCKEFELLER, who wanted to speak, and then we will try to get some sort of consent for one or two votes tonight. We are still hoping to do that around 6. We will try to keep Members posted.

AMENDMENT NO. 161

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. JOHANNIS. Mr. President, I rise in support of the pending Johanns-Manchin amendment 161, which I believe would send a positive, strong message to job creators that Congress is listening, that we have heard them. The bill we are debating today to help small businesses utilize Federal funding for research and development is certainly important. But I have to tell my colleagues, I believe what our small businesses are focused on, what they are worried about is the avalanche of new regulations headed their way. They are worried about the mountain of paperwork that is about to overwhelm them due to the 1099 reporting requirements contained in section 9006 of the health care law. Instead of focusing on hiring new workers and growing their businesses, they are meeting with accountants. They are wondering why those in Washington choose to weigh them down further after the last 2 years.

So the amendment I offer today seeks to solve that problem by repealing the 1099 reporting mandate that is weighing down upon them. As we all know, I am referring to the tax paperwork nightmare that, as I said, is buried in section 9006 of the health care

law. It is straightforward. It says if a business purchases more than \$600 of goods or services from another business, then they are required to generate and provide to that business and to the Internal Revenue Service a 1099 form.

This new mandate will affect 40 million businesses in this Nation. That is not even mentioning the nonprofits, the churches, our local and State governments that are also impacted. Furthermore, it will stand in the way of job creators by forcing businesses to waste capital and human resources on useless paperwork.

Considering the high unemployment rates plaguing many States, it does not make sense that we would keep this job-suppressing paperwork mandate. Yet repealing the nonsensical mandate has been a long and somewhat tortured path. I first circulated a "Dear Colleague" letter asking for cosponsors on the 1099 repeal back in June of last year. When we introduced it in July, we had 25 cosponsors, and small business watched us with great anticipation. It gave them hope that common sense was going to prevail in the Senate and that partisanship could be set aside to simply do the right thing.

Unfortunately, that hope did evaporate. They have been frustrated, time and time again, when it failed to advance in September and in November and appeared stalled as we came into the new year. But, finally, they saw a ray of hope on March 3 when the House passed 1099 repeal. It was a very large bipartisan effort, 314 to 112.

Small businesses cheered last week when Majority Leader REID endorsed the House-passed version and indicated H.R. 4 would likely be passed and go on directly to the President by the end of the week. Yet, when Thursday rolled around, a vote on 1099 repeal was shelved and replaced with a vote on a judicial nominee. Once again, our job creators were left scratching their heads, disappointed by the continued political gamesmanship on this very important issue.

Moving the goalposts yet again, we now hear that some are objecting to the House bill's offset to completely pay for the repeal of the 1099 mandate. This now supposedly controversial provision simply reduces improper overpayments of insurance subsidies.

As the Secretary of Health and Human Services said, the repayment of improper subsidies makes it "fairer for recipients and all taxpayers." Yet some have now decided this House offset is somehow a middle-class tax increase. That argument, to me, is stunning.

Since when is requiring someone to repay what was given to them erroneously ever regarded as a tax increase? Where I come from that is simply smart government for the taxpayer. Furthermore, I find it a bit too convenient that not one Senator complained about using this very offset to pay for the Medicare doc fix last December. Remember, the Senate passed

the doc fix, and they did it unanimously. Only two people opposed it in the House. The President signed it eagerly.

Yet, today, some have decided it is somehow a tax increase. It does not pass the smell test. Our small businesses—well, they are not buying it either. They will see it as one more hollow excuse why we cannot provide businesses and their workers relief from the nonsensical paperwork mandate.

These job creators have watched dueling amendments and proposals and counterproposals for too long, and they have grown impatient. Our small businesses do deserve better, but, unfortunately, at the moment, we are getting more of the same.

More legislative squabbling only delays the certainty that our business community wants us to provide to them. They are looking for us to help them through this paperwork mess.

Well, what is happening out there—because this is now starting to stare them in the face—is they are already starting to think about software because they have to track this, and there is a cost to that. They are talking to their accountants, and that costs money. They are diverting very precious capital in anticipation of the new mandate, not to mention the fact that rental property owners are currently subject to the new mandate. Unfortunately, our rental property owners are having to comply with it and track each payment for repairs and for upkeep.

We need to give these folks a break so they can focus on growing and creating jobs, not worrying about how to pay for additional accountants. Passing H.R. 4 would show them we are listening to their concerns and we are committed to removing unnecessary barriers to their success. Instead, we are requiring our job creators to wait out on the sidelines while this continues to go on and on and on. They deserve better.

So I join our Nation's job creators, once again, asking the Senate to act on this very important issue and repeal the 1099 requirement. Rest assured, they will not go away, and we do not want them to. We want them to do everything they can to create jobs.

I will offer this legislation as an amendment to every legislative vehicle moving in the Senate until it becomes law. I am hopeful not many more of these amendments will be needed because there is a simple solution: Repeal it. I believe there is strong bipartisan support for it. We can then send it to the President. He can sign it, as he said he would, and we can celebrate this in a very bipartisan way.

A vote on this amendment is significant, not only because it truly is the right thing to do but because it will show that H.R. 4 has more than 60 votes needed to pass the Senate. All we need to do is try on this and get it done.

Once again, I point out, this is a bipartisan effort. This is an effort where

Republicans and Democrats and Independents can claim victory and say we got this done. It was the right thing to do. It never should have been in the health care bill in the first place.

My hope is my colleagues will stick with me. We can get it done. We can get it passed and get it signed by the President. You will hear a cheer all over this country by our job creators when it is finally repealed.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I have comments I wish to make on 1099 which are at odds with the distinguished Senator from Nebraska, but I will hold that for another moment.

AMENDMENT NO. 183

I think it is well known that in West Virginia we have had our problems with EPA, and I have an amendment which would say for a period of 2 years they would not have the power to enforce their laws on stationary sources, i.e., powerplants. But it lasts for 2 years and then it stops.

What is my reason for doing that? I will offer this amendment. My reason for doing that is, I wish to give us the time to come up with a good carbon sequestration bill and also give us the time to come up with an energy policy, since, if my amendment were to pass—since it is 2 years from the date of passage—that does give us the time, if it is the will of the Congress, to have an energy policy. If it is not, then that, of course, is quite a different matter.

But I simply cannot support and will not support the McConnell amendment, which calls for a complete emasculation of EPA forever. I do not understand this type of thinking. I understand we are in a very sort of difficult position in a postelection period, where people have very strong ideas: Let's get rid of government, and let's size everything down and get rid of all these people who have been giving us trouble.

I think we have to be mature in the way we approach these problems. I do not think by saying EPA, created by President Nixon in 1972, shall virtually cease to exist with respect to any effect on greenhouse gases at all, forever—the concept of doing something forever is, to me, a very risky thing on its face. It does not usually make any sense, whether it is health care or energy policy or any other kind of policy, to make a law which has to do with regulation and then say: You cannot regulate forever.

What if you did that to the National Highway Traffic Safety Commission? We have discovered that for children the little models they use for crash tests are not, in fact, big enough. They were created a number of years ago, and kids are much bigger now. So we have to change, and the Commerce Committee is working on this. We have to change the size of the little dummies they put in these seats to crash test them to see what happens to them because kids are larger. So if you made

a rule that this was to last forever, under original circumstance, obviously, that would hurt our children and create discomfort and sadness.

The Environmental Protection Agency is not a frivolous agency. It is created, yes, to regulate pollution. I have been saying to the West Virginia Coal Association, which for the most part does not believe in climate science—they do not believe there is a climate problem, and I have been saying to them for a number of years that is wrong. In my judgment, the science is true, the science is unequivocally true, and there is a price to carbon in their future. I said this a couple months ago. There is a price to carbon in their future. You cannot simply carry on business the way you are doing it now and avoiding any sense of responsibility and be called a mature corporation or a mature person in this country or a mature public servant.

I understand the fervor of the Senator from Oklahoma, the Senator from Kentucky, and others who put up this amendment for a permanent ban on any regulation of carbon dioxide or any other of these areas. But in the process, of course, what they say they are for is that the EPA can no longer regulate CAFE standards; that is, how many miles per gallon your car gets. If you look at the private sector, there is a drive and a competition now to increase and raise the level of corporate average fuel economy standards, lowering emissions. That is as it should be. That is a natural product of free enterprise competition.

But to say that the EPA—what if there were to be a backslide? What if the Big Three and a number of others decided: Well, this isn't worth our while. There is nobody regulating us, so we don't have to do anything about it, and they slipped backward and then created a much more emission-charged climate?

I cannot abide by that. I cannot believe that is sensible government. I cannot believe that in the theological drive to make government small, to make government disappear, to make health care disappear, to make all kinds of things disappear—so we can all be happy again, as we were in the 1910s and 1950s, I guess—life does not work like that and legislation should not work like that.

We should approach it thoughtfully, with a long view as well as a short view. The short view says: Oh, I have to be mad at EPA—and I am because they have done things in West Virginia which I think are wrong and should be changed—but I would never, for a moment, consider saying they should forever be banned from having anything to do with climate change policies or CAFE standards. It does not make any sense.

It is embarrassing. It is embarrassing. That is not a favor to the people of West Virginia. What that means is the companies—coal companies, power companies—that are looking at

all of this, they will just start walking away from coal very quickly. This would also be true in Pennsylvania, the home of the Presiding Officer. Natural gas is beginning to take over large parts of our electric power industry. That has happened in North Carolina and in Ohio and probably a little bit in Pennsylvania and, yes, a little bit in West Virginia. The Marcellus Shale is an unbounded, endless pool of natural gas, and it lies up and down the Appalachian spine. Companies are beginning to switch away from coal to natural gas.

Now, if one doesn't care about coal miners and one doesn't care about coal companies—but, particularly, coal miners. They are not responsible for any of this. They just dig the coal God put in the Earth 1 billion years ago. They dig it, and then it is shipped by truck or by rail or in some fashion, perhaps by barge, off to a power company. The power companies are the ones that have to make the decision how are they going to burn it. Are they going to burn it cleaner?

Two companies in West Virginia, one being American Electric Power, has conducted an experiment in New Haven, which is the large powerplant in the state. They have picked out 18 percent of all their emissions, and they have applied carbon-capturing sequestration to that 18 percent. That 18 percent of the flue gas emissions have gone from whatever carbon content down to about 10 percent carbon content. That is called clean coal.

When we talk about coal on this floor, everybody assumes coal is always dirty. Well, coal is dirty when it is taken out of the ground and nothing happens to it. But with all of the science and technology we have available, carbon-capturing sequestration is not only working to make that clean coal, therefore, highly competitive—much more competitive than natural gas, which is 50 percent carbon dioxide—it makes it only 10 percent when we use these technologies. That is what my amendment—the 2-year amendment, and then only 2 years, that is what is meant to give us the time. Sensibly, that is what we ought to be doing if people cared about having an energy policy.

Then there is another facility, operated by Dow Chemical. Dow Chemical is not usually associated with these things. But they are running exactly the same kind of a burning of coal focus and demonstration using a slightly different technology, but also getting about 90 percent of the carbon out of the coal, and they use the power from that. They use that. So don't tell me it can't be done. Just tell me we don't have the technology to do it broadly enough. But if we are talking about a nation with a couple hundred years' of coal left, don't—I don't want to hear about dirty coal because that is not going to get anywhere. But clean coal, that can do a lot better than natural gas and do a lot better than a lot of other alternative energies.

What is going on in Japan right now, I shy away from the idea of saying: Oh, well, then we have to stop from ever building any nuclear powerplant forever. I am not a big fan of nuclear power, but I don't think we make decisions because of that. We don't make them out of emotion. We don't make them because of a catastrophe in another country. Maybe there is and maybe there isn't; I haven't checked the news in 4 or 5 hours. But that is 20 percent of all of the power in this country. So before we make the decision, let's be thoughtful about it.

I think we ought to be thoughtful about this amendment, the McConnell amendment, which says that forever and ever the EPA will be completely stripped away of its authority for carbon monoxide, climate problems, plus anything else that creates carbon—it could be factories; all kinds of things. They will be completely free of any kind of regulation. I think that is wrong.

I think the regulation has to be put in place which is reasonable, which would be the purpose of my amendment for 2 years. Then that would be it. Then we would see where we are. But to do a permanent, complete emasculation of the EPA isn't what a mature body of legislators does, in my judgment. I, therefore, will vote against this amendment and will wait to see the result and then offer my amendment which I think is much more sensible.

I thank the Chair and yield the floor.  
The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I thank Senator ROCKEFELLER and all of the Members who have come to the floor today debating this important bill and to share their thoughts about other amendments that are—some directly but some indirectly—related to our discussion. It doesn't look as if we are going to vote tonight, but we are going to continue to work throughout the evening as Members want to come to the floor and speak on their amendments, so we can try to work something out for tomorrow.

I thank Senator SNOWE and her staff for their good work today. I see Senator WHITEHOUSE on the floor. He may wish to speak about an amendment. But I remind everyone that we are on the SBIR and STTR Reauthorization Act. It is a very important piece of legislation that has been sputtering for a reauthorization now for over 6 years, and there are literally thousands of entities—small businesses, dozens of Federal agencies, many, many organizations from the Chamber of Commerce to the American Small Business Association—that are depending on us to do our work and actually get this program reauthorized. It is important to give consistency and permanency. So we are going to continue to work to do that.

I look forward to speaking in more detail about the bill later tonight and tomorrow. But it looks as though we are not going to have votes tonight;

but, hopefully, we can get some order and some agreement to proceed.

At this time I see Senator WHITEHOUSE on the floor.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from Rhode Island.

Mr. WHITEHOUSE. Madam President, we are not at this moment without votes on this important legislation for lack of effort by the distinguished Senator from Louisiana. She has been extraordinarily determined, as she was with her earlier small business legislation which she fought through to a success, and I am sure this will be fought through to a success as well.

One of the ways in which our friends on the other side are seeking to harass and impede this important piece of legislation is by putting on unrelated amendments—particularly poisonous unrelated amendments, including the one Senator ROCKEFELLER just spoke about—to completely gut and strip the authority the U.S. Supreme Court has recognized EPA has to protect us from the hazard of carbon pollution.

Underlying this procedural maneuver which would interfere with this significant jobs-related bill is a fundamental disagreement about whether our atmosphere is being affected by the carbon pollution we have been pumping into it. I would submit the facts are entirely on one side of that debate, and the polluters are entirely on the other. It is only in a building such as this in which so many special interests have such sway that the debate has the currency it appears to have achieved.

Much of what is happening is non-debatable. Scientists know—not from theory but from observation, from calculation—what the range of parts per million of carbon dioxide has been in the atmosphere for 8,000 centuries. We can go back and find the carbon record in ice and in other ways, and we can establish what the range was of carbon dioxide in our atmosphere.

For the last 800,000 years, it has been between 170 and about 300 parts per million. That is the bandwidth—170 to 300 parts per million—over 800,000 years. For the first time in 800,000 years, we are out of that range. The present concentration—again, a measurement, not a theory—exceeds 391 parts per million. Scientists can draw a trajectory which is something that people do all over this world. It is not complicated. It is not theory. If you draw a trajectory based on where we are going, the trajectory puts us at 688 parts per million in the year 2095 and 1,097 parts per million in the year 2195. These are levels that not only haven't been seen in 800,000 years, they haven't been seen in millions of years.

This is an experiment in the very nature, the very physics of our planet. It has been known since just after the Civil War when the Irish scientist Tyndall discovered that CO<sub>2</sub> in the atmosphere had a warming effect, had a blanketing effect and warmed the atmosphere. That has been bomb-proof

science for more than a century. It is in basic textbooks.

When we take that scientific theory—basic, established, more than 130, 140 years old—and then combine it with the facts as we see it, that it has been in this range, it is now out of an 8,000-century range and climbing, and we look at some of the effects that are beginning to happen that are also consistent with that, a fairly undeniable story begins to emerge.

The day will come, I am confident, when our grandchildren will look back at this moment at our unwillingness to deal with the plain scientific evidence in front of us and to instead be persuaded by merchants of doubt with big checkbooks who have a vested interest in the outcome, who have a conflict of interest. We are listening to them, and we are not listening to the plain facts and to the plain science and the theories that have been known for more than a century. People will look back at us with real shame—there is no other word for it—shame and disgust, that this was the way we addressed this problem on our planet.

We can look back at other events such as this. Galileo had a view based on his observations on science as to how the planets worked, and he was intimidated out of it by the power of the day which couldn't abide that, and he was taken before the inquisition and was forced to recant. The legend is that when he recanted, he quietly said to himself: I recanted, but the planets stay their courses.

Well, the planets stay their courses, the laws of physics and chemistry don't change, and we are on a slope toward a very severe problem. We can't just simply, like the ostrich, put our heads in the sand over and over. It is just wrong.

So this amendment is wrong that would strip EPA of their authority. It will hurt people who depend on this. It has always been good for America when we have made our air and water cleaner. We simply cannot go on this way. It is bad for this bill because it puts a poisonous amendment on it when this should be a bill we should all be getting behind. It is certainly wrong from a point of view of history and science and the obligation we have to our younger people and to their children who have to live in a world that faces the consequences of our negligence this day.

I thank the Presiding Officer, and I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Madam President, this has actually been a very invigorating debate on the bill that is pending before the Senate. We have heard a few amendments that have been filed that are directly related to the reauthorization of this important program, and there are others who have an arguably indirect impact on small business jobs and the creation of opportunity for research and technology investments for small business in America.

But we are unable to vote tonight and to come to any consensus about the order of votes. Hopefully, we can do that sometime this evening.

Let me take this moment to again thank the 84 Members of the Senate who voted yesterday to give us an opportunity to get to this important bill. As people have watched this debate throughout the day and continue to watch this evening, one of the reasons the leadership likes to sometimes put appropriate limits on the debate is to keep people focused on the underlying issue. But Senator SNOWE and I decided to urge our leaders to have a really open debate because we understand there are Members who feel very strongly about the EPA issues and the climate change rules and regulations and about the 1099 provision. Senator NELSON feels strongly about reducing legislative spending. Senator HUTCHISON and I in particular have strong feelings about the LEASE Act. So we are going to be as inclusive and incorporate as many of these ideas as we can.

But I really want to ask, since we have looked at the amendment list just within the hour and we have 48 amendments pending on this bill—and some people have half a dozen—if Members and their staffs will please look and see what is absolutely essential for them to offer as an amendment on this bill so that we don't miss this opportunity. That is really what I want to express right now, that this will be a missed opportunity to reauthorize one of the best programs at the Federal level.

We have heard a lot of talk about programs that don't work, about programs that are wasteful, programs that are full of fraud and abuse. This is not one of them. This is the Federal Government's largest investment program in research and development. This gives small businesses in America—businesses we all represent on main streets everywhere, whether North Carolina, Louisiana, California, or Massachusetts, small businesses with cutting-edge technology and new and exciting science, with very bright people who have graduated from some of the finest universities in the world—this gives them an opportunity to put their technology and their know-how in front of Federal agencies for the sole purpose of saving taxpayer money, creating jobs, and increasing the revenues paid to governments at the local, State, and Federal level to solve our deficit problem.

We are not going to solve our debt and deficit problem by cutting, slashing recklessly, domestic discretionary spending alone. No one in America believes that. I don't know why people come to the floor to continue to promote that idea. It is not going to happen. We are going to get to a balanced budget when we bring our revenues and our spending, in appropriate order, in line and when we pass bills such as this that literally help create thousands of jobs in America. That is what is going

to end the recession. That is what is going to close this budget gap. And that is why I will stay on the floor all week with Senator SNOWE, who has been wonderfully helpful today, and we will continue until we can get this bill passed.

I don't want us to miss this opportunity because it has been three Congresses—not one, not two, but three Congresses—that have tried and failed. We are not going to fail this week. We are going to pass this bill this week in the Senate. We are going to get a bill out of here and over to the House. It is very likely that the House will take up our bill as it is generally written.

Why do I say that? Because we have already incorporated so many of the House views and thoughts over the last several years. This is not new language to them. We have a new chairman—Chairman GRAVES—and he understands perfectly that we are working hard in the Senate to get this bill over to him and to his good committee.

We have literally thousands of businesses kind of on hold because they do not know whether this program is going to be here from week to week. We have agencies that don't know if they should put out solicitations for new technologies. Why wouldn't we want to take this opportunity when we clearly know this is one of the most effective programs? Let me give a specific example. We have used it before, but it is worth using again, although we have hundreds.

Qualcomm is a company that is very well known. It developed the software primarily that allows wireless communication. Twenty years ago, nobody ever heard of Qualcomm, and very few people had cell phones that weighed less than 3 pounds each, as I remember. But 25 to 30 people came together with Dr. Jacobs. They sat in his den, as he testified before our committee just last week. He said that through the SBIR Program, their initial idea got a couple hundred dollars. In phase II, they got \$1.5 million.

That is what this program does—incentivizes or gives grants or contracts to emerging technologies well before a bank would take a look, well before a venture capital fund would even look in their direction. You have to develop the technology to a point and then have it launched. This is where there is what he described as the valley of death—great ideas, but there is just not a lot of venture capital out there and particularly in this recessionary period. So he says we helped, that without this program, it would have been very difficult to grow their company.

Today, that company employs 17,500 people in about 22 countries in the world, including right here in the United States, and it pays in taxes, in 1 year, \$1 billion. That is 50 percent of the cost of this entire program. So one company—Qualcomm—in its 25-year life, has grown so much that it pays enough taxes that it supports 50 per-

cent of the cost of this program annually.

I can give dozens of examples of other companies that have been launched through this program.

Let me say that our Federal departments are getting better at this. It was a little touch-and-go at first. The Federal agencies weren't quite used to it. Senator Rudman helped to create this program. He was very passionate about it, as were others, so we sort of pushed the Federal agencies to do this. They were more comfortable doing research and development with the big companies. They felt more comfortable. They felt they weren't taking as much risk. No one likes to fail. So they thought: Well, I have this project, and I am going to give it to IBM. If it doesn't work, nobody can blame me. The problem was that IBM didn't have all the answers. We have come to find out that sometimes they had very few during parts of their career as a company.

Not to be disrespectful to that company, but right down the road there were 10 small businesses, but nobody ever heard of them; scientists nobody ever heard of. Senator Rudman knew this, so he said: We are going to mandate a certain percentage of your research and development money, you have to push it out to small business. And some of them, yes, failed. But as the folks testified, if they are not failing, this program isn't working. I want to repeat. If they are not failing, this program isn't working because this program is front-end, high-risk, but with great returns for the American taxpayer and great returns for small businesses.

I might say, as I said earlier today, it is the envy of many other countries in the world. The gentleman who has done the most research and looking over at this program testified before our committee that he travels around the world, and he is called by other nations that ask: How is it that the Federal Government sets up programs that allow the small businesses to enter into research and development?

So Senator SNOWE and I have taken this on as our first priority for this year and for this Congress. We know there are many important bills pending before our committee, but we believe this is the right bill to present to the Congress in the right order. The Chair is on the committee, so she knows this very well. But we are trying to think of what we could get out of our committee to the floor, to the President's desk, that has the most immediate impact, creates the most jobs, and this is the program.

This program extends the authorization for 8 years. It updates the award sizes for the program from \$100,000 to \$150,000. It takes the phase II awards from \$750,000 to \$1 million. It increases investment in small businesses by increasing the percentage from 2.5 to 3.5 percent of the research and development monies at all agencies over 10 years, including NIH and the Department of Defense.

These are very significant numbers for the Department of Defense. It is \$1 billion. It is \$1 billion this bill will sort of set aside and say: Defense Department, if you are looking for that new radiator for that tank, if you are looking at ways to cool or looking at ways to sort your ammo more efficiently or looking at ways to come up with new software to help that warfighter, here is \$1 billion of research money, and we want you to ask not just the big companies in America and around the world but the small companies, the innovators out there. Give them a chance to show you what they have. That is what this program does, and we have reams and reams of data supporting its effectiveness.

It also includes this compromise between the biotech, the venture capital industry, and the small business community. We had a big fight over the last several years, but we have come to a compromise. Neither side is ecstatic, which means it is a good compromise. They are all sort of just understanding that without this compromise, this bill could fall apart, and they know how important it is. So they have come to terms on the basic portion that can be invested by venture capital funds, leaving the integrity of this program as a small business program, which is the way it was created, but allowing an appropriate level of involvement with the venture capital industry.

It also creates Federal, State, and technical partnerships. It improves the SBA's ability to oversee and coordinate this program. It adds some metrics and measurements so we can really get some good data about how it is working and where it is not working. And as we authorize it for 8 years, we will be able to really say that we got down to business and we got serious about reauthorizing this important program, while leaving this debate open and flexible and allowing the Members to have an opportunity to speak about things they feel strongly about.

I am hoping that sometime tomorrow we can vote on some of the amendments we discussed today—the McConnell amendment, the Johanns amendment, potentially, the Vitter amendment, and the Nelson amendment. Senator CORNYN, Senator HUTCHISON, and others were down here to speak. We hope to get their amendments in the queue. But again, if the Members would just be cooperative and let Senator SNOWE and me know whether you could choose one or two and not offer six or seven amendments, that would be extremely helpful to us. Just let us know and our staffs know, and we will work as hard as we can to have the votes that are necessary to move this bill off the floor and get it to the President's desk.

For those who say, why aren't we talking about the budget and debt, my answer is, we are talking about the budget and debt. This is part of closing the budget gap. This is about creating jobs that generate revenue that closes

that gap. It is not just about discretionary domestic spending cuts. We will never get where we need to be going down that road. We are going to get to it by a combination of things, and that is why Senator SNOWE and I feel very strongly about bringing this bill to the floor to talk about growing and encouraging job creation, particularly by small businesses, innovators, entrepreneurs, inventors, and risk takers who need and rely on this program to launch new and exciting businesses that benefit us all.

Whether it is in the State of Oregon, the State of Louisiana, or, as I said, Massachusetts, New York, or California, we have literally thousands of companies that have used this program successfully to grow. Our people are employed, and America is continuing to lead in many areas. Unfortunately, we don't lead in every area, but in many areas in new emerging technology, depending on the field, of course, we are very proud of this Federal program, and it is an example of a program that works.

If we could work as well as this program does in doing our work this week and getting this bill actually off the floor intact—with some amendments, of course, that will be voted on—and get it over to the House, let them do their work, and get this bill to the President's desk, we will have done some good work this week.

Mr. President, I am going to suggest the absence of a quorum. I don't see anyone else on the floor. There may be Members who will want to come to talk about amendments. There will be nothing that will be pending for the next few hours, and hopefully we can get an agreement later on tonight.

THE PRESIDING OFFICER (Mr. MERKLEY). The Senator from Maine.

Ms. COLLINS. Mr. President, unfortunately, all too often it seems Federal agencies do not take into account the impacts to small businesses and job growth before imposing new rules and regulations. And so, I am introducing three amendments to the Small Business Reauthorization bill to force Federal agencies to cut the redtape that impedes job growth.

The first of my three amendments requires Federal agencies to analyze the indirect costs of regulations, such as the impact on job creation, the cost of energy, and consumer prices.

Presently, Federal agencies are not required by statute to analyze the indirect cost regulations can have on the public, such as higher energy costs, higher prices, and the impact on job creation. However, Executive Order 12866, issued by President Clinton in 1993, obligates agencies to provide the Office of Information and Regulatory Affairs with an assessment of the indirect costs of proposed regulations. My amendment would essentially codify this provision of President Clinton's Executive Order.

My second amendment obligates Federal agencies to comply with public no-

tice and comment requirements and prohibits them from circumventing these requirements by issuing unofficial rules as guidance documents."

After President Clinton issued Executive Order 12866, Federal agencies found it easier to issue so-called guidance documents, rather than formal rules. Although these guidance documents are merely an agency's interpretation of how the public can comply with a particular rule, and are not enforceable in court, as a practical matter they operate as if they are legally binding. Thus, they have been used by agencies to circumvent OIRA regulatory review and public notice and comment requirements.

In 2007, President Bush issued Executive Order 13422, which contained a provision closing this loophole by imposing "Good Guidance Practices" on Federal agencies, which requires them to provide public notice and comment for significant guidance documents. My amendment would essentially codify this provision of President Bush's Executive Order.

My third amendment helps out the "little guy" trying to navigate our incredibly complex and burdensome regulatory environment. So many small businesses don't have a lot of capital on hand. When a small business inadvertently runs afoul of a Federal regulation for the first time, that first penalty could sink the business and all the jobs it supports. My amendment would provide access to SBA assistance to small businesses in a situation where they face a first-time, nonharmful paperwork violation. It simply doesn't make sense to me to punish small businesses the first time they accidentally fail to comply with paperwork requirements, so long as no harm comes from that failure.

Each of the provisions of these amendments have been endorsed by the National Federation of Independent Business, NFIB, and the Small Business and Entrepreneurship Council. I urge my colleagues to support these important amendments to our regulatory system.

#### MORNING BUSINESS

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

THE PRESIDING OFFICER (Mr. BENNET). Without objection, it is so ordered.

#### NOMINATION HOLD

Mr. WYDEN. Mr. President, last year, I was disappointed to hear that some members of the Oregon National Guard who were demobilizing at Joint Base Lewis-McChord, JBLM, were not given access to all of the medical treatment to which they were entitled. Further, a document surfaced that showed that medical staff at the facility were

being taught to believe that National Guard soldiers were not equal to active-duty soldiers and were to not receive the same standard of care.

Several investigations into the incident were conducted by the Army. However each of the reports was classified as a medical quality assurance document, preventing anyone, including myself, from seeing them.

I have been working with Secretary of the Army John McHugh to try to resolve this issue. I also hope to meet with Ms. Jo Ann Rooney—who, has been nominated to be Principal Deputy Under Secretary of Defense for Personnel and Readiness, and if confirmed, would be involved in shaping policy regarding the demobilization of National Guard troops—so that we can discuss this issue.

However, until I am satisfied that the Army has conducted a proper investigation of the incidents at JBLM, is working to resolve any problems that exist, and that Ms. Rooney will work to ensure that all servicemembers receive the care and benefits they have earned, I cannot allow Ms. Rooney's nomination to proceed.

Therefore, I will object to any unanimous consent agreement to consider Ms. Rooney's nomination. Thank you for your assistance in this important matter.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO HAL TURNER

• Ms. LANDRIEU. Mr. President, I have come to the Senate floor many times before to speak about the important role that Louisiana sheriffs play in our State. Our sheriffs are unique among their nationwide counterparts in three distinct ways: in that they serve as the chief law enforcement officer of the parish, the chief executive officer of the parish court, and the official tax collector for their parishes. This position, established in our State Constitution, gives our sheriffs a highly influential and distinct position of power and responsibility.

Today I have come to commemorate one of our State's most distinguished sheriffs, and a true leader within our law enforcement committee, Hal Turner. Late last week, I learned that Hal, the executive director of the Louisiana Sheriffs' Association, LSA, will be retiring at the end of March. He has served in this important role since 2004, and is only the third individual to do so since the LSA's inception in 1938. While I am sad to see him leave, I would like to take a moment to honor Hal, his over 30 years of public service, and the many contributions he made to Louisiana.

Hal began his law enforcement career in 1980 and rose through the ranks of the Allen Parish Sheriff's Office from patrol deputy to criminal investigator. From the beginning he knew that law enforcement was something he "wanted to do," but later in life he would