

This is the Libyan people's fight, but we need to continue to help make it a fairer fight, until Qadhafi is forced to leave power. I was very encouraged today to hear our ambassador to the United Nations suggest that the United States may provide arms to the opposition. We should also provide them, if requested and as appropriate, with resources, command and control technology, communications equipment, battlefield intelligence, and training. We need to take every responsible measure to help the Libyan opposition change the balance of power on the ground.

Yes, it has been documented that many eastern Libyans went to fight in Iraq. Many met their end there too. But Libyans are not rising up against Qadhafi now under the banner of al-Qaida. To the contrary, they have largely pledged their support to the Transitional National Council, which is based in Benghazi, and representative of tribes and communities across Libya. The leaders of this council are not unknown to us. They have met with senior administration officials, including the Secretary of State, as well as other world leaders. Their supporters are brave lawyers, students, and human rights advocates who just want to choose their own future free from Qadhafi. They have declared their vision for Libya as, quote, "a constitutional democratic civil state based on the rule of law, respect for human rights and the guarantee of equal rights and opportunities for all its citizens." If these moderate, democratic forces do not succeed in Libya, we know exactly who would fill the void: the radicals and the ideologues. We have seen this movie before.

We cannot make the assumption that time is on our side. It is not. Perhaps Qadhafi's regime will crack tomorrow. I hope it will. But hope is not a strategy. If our strategy does not succeed in forcing Qadhafi to leave power sooner rather than later, we run the risk of a prolonged and bloody stalemate. That is not in America's interest or in the interest of the Libyan people. The risks are still too high of repeating a similar outcome from the first gulf war—where we had crushing sanctions and a no-fly zone in place, but still Saddam Hussein managed to hold onto power, threaten the world, and brutalize his own people for another 12 years. And only then, it took an armed invasion to remove him from power. That is not a definition of success in Libya. And it certainly is not a limited mission. It is a recipe for a costly and indefinite stalemate. We must avert that outcome.

Our mission in Libya is going well, but we have not yet accomplished our goal. I am extremely thankful and grateful for our many friends and allies, especially our Arab partners, who are contributing to this mission. However, none of this is a substitute for sustained U.S. leadership. If our goal in Libya is worth fighting for, and I believe it is, then the United States must

remain strongly engaged to force Qadhafi to leave power. Nothing less is desirable or sustainable.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WEBB. Mr. President, I ask unanimous consent to speak as in morning business.

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

#### SBIR/STTR REAUTHORIZATION ACT OF 2011—Continued

Mr. WEBB. Mr. President, I was originally going to call up a pending amendment, No. 215, the Rockefeller amendment. I am informed that amendment is at present the subject of some negotiation and a consent package. I do wish to speak briefly today in support of the amendment filed by Senator ROCKEFELLER and on his behalf, since he is away from the Senate today attending the funeral of a close friend.

Like Senator MCCONNELL, I have expressed deep reservations about the consequences of unilateral regulation of greenhouse gases by the EPA. In my view, this will result in long and expensive regulatory processes that could lead to overly stringent and very costly controls on carbon dioxide and other greenhouse gas emissions. This regulatory framework is so broad and potentially far-reaching that it could eventually touch nearly every facet of this Nation's economy, putting unnecessary burdens on industry and driving many businesses overseas through policies that have been implemented purely at the discretion of the executive branch and absent a clearly stated intent of the Congress.

Our farms, factories, transportation systems, and power-generating capacity all would be subject to these new regulations. This unprecedented, sweeping authority over our economy at the hands of the EPA is at the heart of the concern expressed by Senator MCCONNELL, and ultimately, whichever way one ends up voting on his amendment, that common concern defines this debate.

It is not a new concern for me. When this administration declared in November of 2009 that the President would sign a politically binding agreement at the United Nations framework on climate change in Copenhagen, I strongly and publicly objected. I sent a letter to the President stating:

Only specific legislation agreed upon in the Congress or a treaty ratified by the Senate could actually create such a commitment on behalf of our country.

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

the EPA has taken or attempted to take on the regulation of coal ash, on regulating industrial and commercial boilers, on approving new levels of ethanol into gasoline, and, most importantly, its overreach to regulate greenhouse gases from stationary sources. I have repeatedly raised these issues with the administration and my colleagues in the Senate.

In examining this issue, I have also reviewed carefully the Supreme Court's holding in *Massachusetts v. EPA*.

My opposition to the EPA's present regulatory scheme with respect to carbon dioxide or stationary sources stems in part from my reading of this case. I am not convinced the Clean Air Act was ever intended to regulate or to classify as a dangerous pollutant something as basic and ubiquitous as carbon dioxide. I say that as one of the few Members of this body who are engineers.

To quote one of the most influential Supreme Court Justices from the last century, Justice Cardozo:

The legislation which has found expression in this code is not canalized within the banks that keep it from overflowing.

The case Justice Cardozo was commenting on dealt with a different issue but the constitutional precept still applies. Congress should never abdicate or transfer to others the essential legislative functions given to it and it alone by the Constitution.

The sweeping actions the EPA proposes to undertake clearly overflow the appropriate regulatory banks established by Congress, with the potential to affect every aspect of the American economy. Such action represents a significant overreach by the executive branch.

Notwithstanding these serious concerns with what I view as EPA's potentially unchecked regulation in a number of areas important to the economy, I do have concerns about the McConnell amendment for a number of reasons.

First, the McConnell resolution would jeopardize the progress this administration has made in forging a consensus on motor vehicle fuel economy and emission standards. The Obama administration has brokered an agreement to establish one national program for fuel economy and greenhouse gas standards. This agreement means that our beleaguered automotive industry will not face a patchwork quilt of varying State and Federal emission standards. Significantly, this agreement is directly in line with the holding in *Massachusetts v. EPA* which dealt with motor vehicle emissions. In fact, it dealt with new car motor vehicle emissions.

Both in the Clean Air Act and in subsequent legislation enacted by the Congress, there has been a far greater consensus on regulation of motor vehicle emissions than on stationary sources with respect to greenhouse gas emissions. It has been estimated that these new rules, which are to apply to vehicles of model years 2012 to 2016, would

save 1.8 billion barrels of oil and millions of dollars in consumer savings. That agreement, however, and the regulations that would effectuate it rest upon enforcement of the Clean Air Act, which would essentially be overturned by the McConnell amendment.

We have before us a different but equally effective mechanism to ensure that Congress and not unelected Federal officials can formulate our policies on climate change and on energy legislation. The Rockefeller amendment, which I have cosponsored, would suspend EPA's regulation of greenhouse gases from stationary sources for 2 years. This approach would give Congress the time it needs to address legitimate concerns with climate change and yet would not disrupt or reverse the progress made on motor vehicle fuel and emission standards.

The majority leader had previously assured me and Senator ROCKEFELLER of his commitment to bring the Rockefeller amendment to the floor. I very much appreciate his stated intention to do so. I hope we will have the opportunity to vote on this measure within the next day or so.

Finally, let me say that I share the hope of many Members of this body from both sides of the aisle that we can enact some form of energy legislation this year. I have consistently outlined key elements I would like to see in an energy package. I have introduced legislation, along with Senator ALEXANDER, to encourage different forms of energy legislation that would in and of themselves help produce a cleaner environment and more energy independence. We should all be exploring those types of mechanisms that will, at the same time, incentivize factory owners, manufacturers, and consumers to become more energy efficient and to fund research and development for technologies that will enable the safe and clean use of our country's vast fossil fuels and other resources.

The second thing I would say—just as a comment—since I was shown a letter earlier today from the Chamber of Commerce strongly suggesting the only viable alternative in this debate is the McConnell amendment, I ask unanimous consent to have printed in the RECORD a letter that was sent last September by the Chamber of Commerce and more than a dozen other business entities, associations in support of the Rockefeller amendment.

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

SEPTEMBER 14, 2010.

Hon. DANIEL INOUE,  
*Chairman, Senate Appropriations Committee,*  
*U.S. Capitol, Washington, DC.*

Hon. THAD COCHRAN,  
*Vice Chairman, Senate Appropriations Committee,*  
*U.S. Capitol, Washington, DC.*

DEAR CHAIRMAN INOUE AND VICE CHAIRMAN COCHRAN: Unless Congress acts this Fall new Environmental Protection Agency (EPA) rules regulating greenhouse gas (GHG) emissions under the Clean Air Act will go into effect on January 2, 2011. The rules impose a

significant burden across the U.S. economy, including the sectors that will create jobs and lead us in our economic recovery. It is Congress' prerogative to enact a national climate policy, not the EPA's. Fortunately, there are opportunities for Congress to exercise its prerogative prior to the end of the legislative session.

We urge your strong support for measures to temporarily restrict EPA's authority to implement the GHG rules affecting stationary sources, and to give Congress the time necessary to consider the appropriate regulatory approach for those sources.

According to EPA, as many as six million of America's industrial facilities, power plants, hospitals, agricultural and commercial establishments eventually will be subject to these rules, at a considerable cost and burden on jobs, state resources and the ability to move forward on a national climate policy. State implementing agencies have no guidance on issuing the required permits, the measures needed to comply are not known, and both state implementing agencies and covered commercial facilities will be left in a bind. There is the very real prospect that investments by businesses across the entire economy—the investments that will drive economic recovery and job creation—will be delayed, curtailed or, even worse, cancelled.

The appropriations process can ensure that the potentially damaging impacts of EPA's rules are postponed for a two or three year period pending Congressional action. Indeed, the approach would allow any restrictions on funding in a manner that still allows EPA's rules on motor vehicles to continue in effect unchanged. More importantly, the appropriations process provides Congress an important oversight and management tool that will inform the further development of a national climate policy. Other approaches, such as a codification of EPA's "tailoring" rule to ease the potential burden on smaller businesses have been suggested. Unfortunately, the vast majority of American businesses affected by the GHG rules will not be protected by a simple codification of EPA's rules.

Representatives Nick Rahall and Rick Boucher and Senator Jay Rockefeller have introduced legislation (the Stationary Source Regulations Delay Act, H.R. 4753 and S. 3072, respectively) to place a two year moratorium on the EPA's actions to regulate GHGs from stationary sources.

Senator Rockefeller has received a commitment from Majority Leader Harry Reid to hold a vote on his bill in September. We support the concept of a two-year postponement and urge your strong support as an appropriate legislative measure is developed and considered. Simply, a two-year moratorium will prevent the negative economic impacts anticipated from the EPA GHG rule.

In short, American businesses, investment, and jobs need your active support. We urge you to support efforts to postpone EPA regulation of GHG emissions from all stationary sources through targeted amendments to relevant appropriations measures or legislation based on the Rahall/Boucher or Rockefeller bills.

Sincerely,  
American Chemistry Council, American Farm Bureau Federation, American Forest & Paper Association, American Frozen Food Institute, American Petroleum Institute, American Iron and Steel Institute, Ball Clay Producers Association, CropLife America, International Diatomite Producers Association, Industrial Minerals Association—North America, Missouri Forest Products Association, National Association of Chemical Distributors, National Association of Manufacturers, National Association of Oilseed Processors, Na-

tional Association of Wholesaler-Distributors, National Industrial Sand Association, National Lime Association, National Mining Association, National Petrochemical & Refiners Association, Society of Chemical Manufacturers and Affiliates, The Aluminum Association, The Fertilizer Institute, Treated Wood Council, U.S. Chamber of Commerce.

Mr. WEBB. I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 183

Mr. INHOFE. Mr. President, first of all, let me say to my good friend from Virginia, I agree with everything he said up to the last 3 minutes, because we have something that needs to be talked about. I would only make reference to the letter that has been entered into the RECORD that, yes, did make that statement, that if the choice is to do nothing at all or to have the Rockefeller amendment, it is better to delay something bad for 2 years. But that is not the choice.

The choice is—and he has referred to it as the McConnell amendment; that happens to be the bill I introduced and is now offered as an amendment to the Small Business Act—and it is one that will actually resolve the problem.

I think it is necessary to set the record straight as to what the two alternatives are. I call them covers. This is kind of a term that is used inside these Halls when someone is wanting to vote against something that people at home want and they give them something else to vote for so we can offer cover—something that normally is meaningless—such as these two cover votes.

The cap-and-trade agenda—I think we all understand—is destroying jobs in America and certainly decreasing our domestic energy supply. As a consequence, the consumers are going to pay more for their gas, for their electric bills, in a tax on affordable energy. But it can be stopped. It can be stopped by the passage of the Energy Tax Prevention Act of 2011 or, as we are looking at it now, that same bill being encompassed as an amendment called amendment No. 183 to the Small Business Act.

Let me go back, if I could, kind of in history to make sure people understand where we are today and how we got here. Many years ago, back in the 1990s, they came forward—and this was during the Clinton-Gore administration—with the Kyoto treaty. They went to Kyoto, Japan, and said: We want to join with all the other countries and we want to reduce emissions from CO<sub>2</sub>. This was a treaty you would sign on to and most of the European countries did and many others did.

I might add now, many years later, none of them that signed on to it were able to accomplish any kind of reduction, meaningful reduction in emissions. But nonetheless, we had that.

I can remember standing at this podium and saying back then that we are not going to ratify any agreement that

is made at Kyoto that does not affect the developing countries the same as the developed countries. In other words, if it is not going to cover China, Mexico, and different countries in Africa, then we do not want to be the only ones this affects because it is going to be a very punitive situation. Secondly, we were not going to ratify any kind of a treaty that was an economic hardship on our country. We successfully stopped it.

Then, in 2003, they started introducing legislation that would do by legislation what the Kyoto treaty would have done, but it would only affect the United States of America. At that time, Republicans were the majority. I was the chairman of the committee that is called the Environment and Public Works Committee. We had the jurisdiction over this issue. So I almost unilaterally was able to stop this legislation from taking place. We had the same legislation that came up again in 2005, 2007, 2008, and 2009, and it has been before us for votes now in the Senate seven different times. Each time we defeated it. I might add, we defeated it by a larger margin each time we defeated it.

It is kind of interesting because I have had so many people say to me: INHOFE, what if you are wrong? What if CO<sub>2</sub> is damaging to the environment? What if it causes some of these problems people say it does? Well, I have to say, the science has been mixed. The science has been cooked in many cases. The United Nations came up with the IPCC, which was the science that was used to base all these new programs on, and it has been pretty much scandalized in the climategate situation. But, nonetheless, that is something we do not need to talk about. The point is, we were able to stop any legislation.

Why did we want to stop legislation that puts restrictions on CO<sub>2</sub>? Well, one reason is—and it came up very clearly, and I always give my appreciation to Lisa Jackson. Lisa Jackson is the Obama-appointed Administrator of the Environmental Protection Agency. I asked her the question some time ago in a public hearing, live on TV. I asked: If we were to pass any of these pieces of legislation—at that time I think it was the Waxman-Markey bill—would this have any meaningful reduction in terms of CO<sub>2</sub> emissions in the world? The answer was, no, it would not because this would only apply to the United States of America. If we do it here, we will take all the financial hardship of doing it; however, as we lose our manufacturing base, they will go to other countries where there are less emission requirements. China is a good example. China's doors are open now to try to say: Come, we are cranking out three to four coal-fired generating plants in China every week. So, manufacturers, come here. We have the energy you need. So they were then able to do it.

When the Obama administration came in, with a strong majority in

both the House and the Senate, they said: All right, we will tell you what. Since you are not going to pass cap and trade, then we will do it through regulations.

What would cap and trade do to America? Granted, by everyone's admission, it would not reduce emissions at all worldwide. So what would it cost? Well, the cost was put together back during the Kyoto treaty by the Wharton School at that time. Since then, MIT, CRA, many others have come in. The range is always between \$300 and \$400 billion a year.

I am not as smart as a lot of guys around here, so when I hear about billions and trillions, I say: How does that affect people in my State of Oklahoma? So I have the math that I do. I say to the Presiding Officer, I take the total number of people and families in my State of Oklahoma who file a tax return, and then when they come up with something that is going to cost our Nation \$300 to \$400 billion, I do the math. What that would amount to for my average family in Oklahoma who files a tax return is \$3,100 a year, and they do not get anything for it.

Anyway, the President came in with the new majority, and he said: Well, if you are not going to pass this, we are going to go ahead and do it by regulation. We will have the Environmental Protection Agency do it by regulation.

To do that, they had to have what is called an endangerment finding; that is, a finding that CO<sub>2</sub> is an endangerment to health. The courts never said we have to regulate CO<sub>2</sub>. They said: If you want to, you can. That was the choice of this administration and of the Environmental Protection Agency.

So I asked the question again at one of the hearings—this is of the same Administrator Jackson; this was a year ago December—I said: I have a feeling you are going to come up with an endangerment finding so you have justification for regulating CO<sub>2</sub> the same as if we were passing legislation to do it. Her response was kind of a smile. I said: To have an endangerment finding, you have to base that on science. What science are you going to base it on? She said: Well, primarily, the IPCC. That is the Intergovernmental Panel on Climate Change. That is the United Nations. They are the ones that started all this fun stuff.

With that, it was not more than 2 weeks later that the scandal broke with the recovery of some of the e-mails that were sent out by the IPCC that they had, in fact, cooked the science. Nonetheless, there are lawsuits that are pending right now and all that to try to stop the EPA from regulating CO<sub>2</sub>.

They are doing other regulatory things right now. They are trying to do regional haze regulation. They are trying to do regulation on ozone, changing the standards, trying to do what they call boiler MACT, utility MACT, other regulations. But, nonetheless, this one

we are talking about today is the regulation of greenhouse gases.

This is what is happening right now. To keep them from doing it, I introduced a piece of legislation called the Energy Tax Prevention Act of 2011. My good friend over in the House of Representatives, FRED UPTON, has been a friend of mine for many years. He is the chairman of the appropriate committee over there; the same as I am the ranking member of the appropriate committee here. So we introduced together the Upton-Inhofe legislation or, if you are over on this side, I call it the Inhofe-Upton legislation. That would take away the jurisdiction of the Environmental Protection Agency to regulate greenhouse gases. If we take away the jurisdiction, they cannot do it. That is the ultimate solution. That is the moment of truth, as we are going to read in tomorrow morning's Wall Street Journal. So they are taking that up. They will pass it over there. But on a partisan basis over here, they will try to kill it.

So what we have done is, Leader MITCH MCCONNELL and I have offered an amendment that encompasses my bill, the Energy Tax Prevention Act I just referred to, as an amendment on the Small Business Act. That is scheduled for a vote tomorrow morning. I hope it does happen.

The reason I am talking today—I have already covered this several times, and I am sure people are tired of hearing it—but they have cover votes that are coming up, and we know this is going to happen. But why is it this administration wants to do something that is going to drive the energy costs of America upward?

This administration has said over and over again they do not want gas, they do not want oil, they do not want coal. And we cannot run this machine called America without oil, gas, and coal.

There is a motivation here; that is, it has come from this administration that they want to replace fossil fuels—oil, gas, and coal—with what they call green energy. Someday that might happen. It will be long after I am gone, I am sure. But they might have the technology to run this country on what they call renewable energy. Right now, we are going to use as much as we can. We are for wind power, we are for Sun power, solar power, all the other options. But, nonetheless, we still have to have fossil fuels to run the country.

Steven Chu, Secretary of Energy for the Obama administration, said:

Somehow we have to figure out how to boost the price of gasoline to the levels in Europe.

That is \$8 a gallon. This is the administration saying we want to increase the price of gasoline to be equal to what it is in Western Europe. So this is something that has been a policy of this administration for a long time. In fact, President Obama himself said that under the cap-and-trade plan—this is what they are trying to do

now—"electricity prices would necessarily skyrocket."

The President had it right. The point of cap-and-trade regulation is to make us pay more for energy bills, and the Obama administration and EPA are here to make that happen. In a recent editorial, the Wall Street Journal calls the Energy Tax Prevention Act, my bill, "one of the best proposals for growth and job creation to make it onto the Senate docket in years."

Why is that? It is because the EPA's regulations will raise energy prices and strangle economic growth. As the National Association of Manufacturers stated:

At a time when our economy is attempting to recover from the most severe recession since the 1930s, [EPA] regulations . . . will establish disincentives for the long-term investments necessary to grow jobs and expedite economic recovery.

That is the National Association of Manufacturers. The families, the workers, and the consumers are all going to feel the pain.

In a study that Charles River Associates International did, they estimate that EPA's cap-and-trade regulations could increase wholesale electricity costs by 35 to 45 percent. What we are talking about is—everyone understands—if they are able to do these regulations, the EPA doing what the legislature refused to do; that is, regulate the emissions of fossil fuels, it will increase electricity prices about 40 percent.

What do we get in return? I think we have already mentioned we do not get anything for this because it would drive our jobs elsewhere, and it would only affect the United States of America.

The claims that the Energy Tax Prevention Act—that is the amendment we will be voting on tomorrow—would undermine health protections or fuel economy standards are disingenuous on their face. The amendment does not touch EPA's authority to regulate criteria or hazardous air pollutants. What is more, both emissions of CO<sub>2</sub> and real pollution have been in steady decline. Yet instances of asthma have been on the increase. So as the emissions decline, the instances have actually increased. Carbon dioxide emissions do not cause asthma, either directly or indirectly, and they do not harm public health.

The Energy Tax Prevention Act is not about asthma and public health, but it is about protecting jobs.

By the way, there is a very well respected scientist by the name of Richard Lindzen from MIT, and he wrote a letter to me which I received a couple of days ago—well, it was actually a little bit longer than that.

As to the impact of increasing CO<sub>2</sub> on general welfare, there is widespread agreement that modest warming should improve welfare for the U.S. Under the circumstances, we are in the bizarre situation of declaring something to be a pollutant when the evidence suggests that it is beneficial.

In other words—I hesitate saying this. I am the first one to admit I am

not a scientist, but certainly Professor Lindzen is. He says, Here we are talking about reducing something that is not a problem certainly to health.

Then the other thing having to do with the Highway—this was mentioned by the Senator from Virginia a few moments ago—that somehow this is going to impair our standards of lowering gas consumption. The amendment doesn't prohibit the National Highway Traffic Safety Administration from setting fuel economy standards. It stops the EPA from regulating carbon dioxide from tailpipes after 2016. So the regulation would have no effect on that whatsoever. That is not done by the EPA; that is done by the National Highway Safety Administration, called NHTSA.

The vote comes down to a simple choice: Are you for jobs and affordable energy or President Obama's strategy of energy taxes and bureaucratic regulations? Of course, when you look at the things that are coming along—I mentioned when I started talking that there is something called "cover," that if there is something out there that the people at home are clamoring for, that they want—in this case they want this amendment that will stop the EPA from regulating greenhouse gases—then if they can vote for something else that does nothing, they can say, Well, I voted for this. It is called cover.

The Rockefeller vote would be nothing, except kicking the can down the road for 2 years, and in the meantime the regulation goes on.

Under the Baucus amendment, this is something that is called the tailoring rule. It is a little more complicated because when you talk about the emissions that we are concerned with that the EPA would be regulating, they would be on any emissions that would affect all the farmers, the schoolhouses, and everybody else. Well, the Baucus amendment would exempt some of these smaller ones. However, if you listen to the Farm Bureau, which has been very helpful in this all along—I think I have their quotes here. Yes. Listen to this, the American Farm Bureau, a recent quote, just this year:

Farmers and ranchers would still incur the higher costs of compliance passed down from utilities, refiners and fertilizer manufacturers that are directly regulated as of January 2, 2011.

So if the Baucus amendment passes, it is going to still be regulated—the refiners, the manufacturers—and that is going to be passed down and it is going to increase the cost of power and energy and that is why the Farm Bureau is so emphatic. In fact, I just left the Farm Bureau a couple of minutes ago before I came here, talking about this very subject.

The manufacturers feel the same way. The Industrial Energy Consumers of America wrote the Baucus approach:

does not solve the underlying problem that regulating [greenhouse gases] under the Clean Air Act is very costly for manufacturing, will impact global competitiveness and encourage capital investment outside the United States.

Why would that be? Because if China ends up with all the jobs, then they are the ones who would be getting the investment.

The only way to stop the higher costs of compliance, which the Farm Bureau fears, is to pass the Energy Tax Prevention Act which is now Senate amendment No. 183.

The contrast couldn't be starker. I was told that tomorrow morning we may see the moment of truth going on—and I think it is going to be in the Wall Street Journal—that people are going to realize there is only one way to stop this massive tax and regulation increase that will come. It won't be by the Rockefeller amendment and it won't be by the Baucus amendment. It will be by the Inhofe-McConnell amendment that hopefully will be voted on tomorrow and that will take out from the jurisdiction of the EPA the ability to regulate greenhouse gases. That is what we are hoping will happen, and I think when people realize it, they are not going to be fooled by some of these what I refer to as cover votes.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

The Senator from Missouri is recognized.

Mr. BLUNT. Mr. President, I wish to talk a little bit about the McConnell amendment that I think we will vote on on the floor of the Senate this week. This is the amendment that really clarifies whether Congress ever intended to give the Environmental Protection Agency the authority to regulate greenhouse gases. They have a finding that gives them that authority, but the people who were involved in passing that law initially say that wasn't the intention of the law; that if it is the intention of the law, the Congress should step up and clarify that.

I think this amendment clearly expresses the view of the American people that the Congress should do its job, not leave it to the regulators to do the job. Senator MCCONNELL has brought that amendment to the floor. It is an amendment that Senator INHOFE has worked on regarding this topic for a long time. Senator BARRASSO has also worked on this topic.

I am convinced that as the ballots are cast and the votes are made this week on this bill and on this amendment, Senators from both parties are going to say: No, that is not the job of the EPA. It is not what the Congress intended EPA to do.

This is a great example of the Congress trying to step up and make the point that the regulators should not be

able to do by regulation what the legislators are unwilling to do by legislation.

This issue was discussed last year—the cap-and-trade law that passed the House in the last Congress. People around America looked at it and said that higher prices were not the way to get more efficient energy policies. The way to get more efficient energy policies is to look for ways to produce more American energy, to have a marketplace that has more choices than the ones we have now. As people looked at this issue, they said: Let's find more American energy of all kinds, and let's be conservationists and encourage that we use that energy as efficiently as possible, and let's also be out there researching and investing in the future so that we know what we want our energy picture to look like a generation from now—not that we blindly rush in and think high prices will solve our energy problems.

We all know that the President of the United States, before the election in 2008, in talking to the editorial board of the San Francisco Chronicle, made the comment that under his energy policies, energy prices would necessarily skyrocket. The President has looked at this economy closely—I hope—over the last 2 years of his Presidency, and clearly every signal from the administration now is that they have concerns about \$4-a-gallon gasoline, even though there are people in that advisory group who at one time said gas prices should be as high as the gas prices in Europe and that is the way to solve our use of gasoline. We don't live in Europe. We live in a country that is large, expansive, and requires travel and commerce. So high gas prices are not the answer to our transportation problems, and higher utility bills are not the answer to our energy problems.

In fact, as people looked at the potential of cap and trade on utility bills, they looked at how much of our utilities come from coal. Of course, cap and trade—and the EPA regulations that would try to impose cap and trade by regulation—cap and trade is particularly focused on coal-based utilities. From the middle of Pennsylvania to the western edge of Wyoming, 50 percent of the electricity in the country comes from coal. Mr. President, in your State and my State, a significant majority of the electricity comes from coal. In Missouri, it is 82 percent of the electricity that comes from coal.

In our State, the utility providers got together—the rural electric cooperatives, the municipal utilities, the privately owned and publicly owned—and funded a study with which nobody ever found fault. Nobody has challenged the study. In that study, in our State the average utility bill would go up about 80 percent in the first 10 years under cap and trade. It would come close to doubling in the first 12 years. For many utility customers, it would double. If the average bill is going to

go up 80 percent, for many customers out there, their bill would double in 10 years, and for the average customer, it would double in about a dozen years. Who benefits from that?

At a hearing the other day with the EPA Administrator, I talked about a visit I had last fall with someone who explained to me that he was an hourly employee at a company—by that point, with the discussion of cap and trade, almost all Missourians knew our utility bills would double in about 10 years—and he said: If my utility bill doubles, that is a bad thing. If my retired mother's bill doubles, that is worse. If the utility bill at work doubles and my job goes away, then the other bills don't matter that much because I can't pay mine and help my mom pay hers.

That individual has a Ph.D. in common sense, if not economics. That is what happens if we allow these bills to go up. Because of that discussion, I stand here today absolutely confident that, in the foreseeable future, Congress will not impose that penalty on our economy. If the Congress won't impose that penalty on our economy, we should not let regulators impose that penalty on our economy.

What the McConnell amendment does—again, with the hard work of Senators INHOFE, BARRASSO, and others—is simply redefine the authority or maybe reemphasize the definition Congress thought it was giving the Environmental Protection Agency, and it says: You can't regulate these greenhouse gases under the Clean Air Act. It doesn't stop the Clean Air Act's provisions to protect clean air in every way that was anticipated until the recent determination that somehow EPA had the authority to also regulate greenhouse gases, but it does refocus the EPA on the intention of the Clean Air Act, not their expansion of the Clean Air Act.

By the way, the EPA has no ability to expand the Clean Air Act. That is the job of the Congress of the United States. Fine, if we want to have that debate. In fact, we had that debate last year. The House passed a bill that would have done what the EPA's new sense of their own mission would do, and I think the American people spoke pretty loudly about that. Because of that, the last Congress didn't pass that bill. The House of Representatives passed a bill, but the Senate didn't pass that bill. This Congress isn't going to pass that bill either, and I would predict that the next Congress won't pass that bill.

Why won't they pass the bill? Why won't we pass a bill in this Congress? Why won't the next Congress pass a bill? They know it has a devastating impact on our economy; and if the Congress doesn't want there to be a devastating impact on our economy, we also shouldn't want the Environmental Protection Agency to do something that would have a devastating impact on our economy.

In fact, when we look at the economies around the world, the economies that have the greatest problems with air and water are the economies that failed; the economies where, at some point, those countries decide, ultimately, they are going to do whatever it takes to get back to where they can have jobs that allow families to live.

The EPA is bound, and should be bound, by what the Congress initially intended with the Clean Air Act, not what the EPA thinks today is their job—and particularly if it is not a job that everybody in this building knows the legislators will not do. If the legislators won't do it, the legislators shouldn't let the regulators do it, and this simply clarifies that.

I urge my colleagues this week to vote for this amendment, to make it clear to the Environmental Protection Agency that they have plenty of things to do and many things that we will support them as they do, but this isn't one of them. This hurts our economy. It is not their mission. It was not the intention of the Clean Air Act. This amendment allows that to be reinforced once again by the Congress, the group that is supposed to pass the laws. Laws aren't supposed to be passed by regulators. I suppose they are intentionally determined to be implemented by regulators but not created by regulators or created by the administration. That is our job.

This bill reemphasizes our job. Again, it doesn't let the regulatory group do a job that increases the utility bill, that doubles the electric bill in Missouri, and raises the electric bill for the vast preponderance of Americans, for people retired, on a fixed income. Clearly, jobs will go away if those electric bills are raised, and they will not go to other places in the United States in most cases; they will go to other countries that care a whole lot less about what comes out of the smoke stack than we do.

So if the EPA is allowed to do with greenhouse gases what it says it wants to do, we will lose the jobs and the problem will get greater because these jobs will go to countries that care a whole lot less about emissions than we do.

Let's let the legislators do their job. I encourage my colleagues to vote for this amendment this week as they think about how we approach this important issue—about our economy, about our jobs, about our families and our future.

I yield the floor, Mr. President, and 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. MORAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. MORAN. Mr. President, rightfully so, the focus in this Congress is

very much about the economy and job creation, and it is appropriate that we have before the Senate a piece of legislation dealing with small business. We know small business and entrepreneurship is a path to job creation.

We are spending a lot of time in this Senate, in the House, and in Washington, DC, discussing the economy, and one of the things that is front and center today is the need for us to be much more responsible in our spending habits. In my view, the Federal Government is financially broke. Rightfully so, we ought to pass a continuing resolution that reduces spending for the remaining 6 months of this fiscal year. We ought to quickly move to a budget and to an appropriations process that allows for the give-and-take, the consideration of those things that we can afford to spend money on, the things that are appropriately the role of the Federal Government, and find those places in which we can again significantly reduce spending. That is an important aspect of whether we are going to get our economy back on track and jobs created.

I think often we write off what happens in Washington, DC. The American people see us as just Republicans and Democrats having one more battle about spending and deficits. These are things I have heard, topics I have heard discussed my entire life coming out of Washington, DC. The reality is, this is an important issue at an important time in our country's history. In the absence of an appropriate resolution of this spending issue, in my view, the standard of living Americans enjoy today will be reduced, inflation will return, the value of the dollar will be diminished, and the standard of living we have become accustomed to as Americans, as I say, will be diminished. But worse than that, the opportunity for our children and grandchildren to pursue the American dream will be less than what we want it to be, certainly less than what I experienced as an American growing up in this country.

Yes, it is no fun for us, as elected officials, to talk about what needs to be cut, spending that needs to be reduced. I certainly stand willing to work with my colleagues and with the President and others to see we accomplish that goal of reducing spending, and the consequences of that being a better budget picture and a reduced deficit. But there is a positive aspect of what we can do to reduce our budget deficit that goes beyond just cutting spending; that is, to create jobs, to create economic expansion.

The optimism this country needs can be restored by decisions we make in the Congress. Those decisions revolve around a business or an entrepreneur, a small business man or woman's decision that it is time to expand their plant, it is time to invest and put in more equipment, that it is time to hire an additional employee.

In my view, one of the reasons that is not happening is the tax environment

that has been created, the uncertainty that we have with what our Tax Code is going to be, the lack of access to credit, the uncertainty our bankers and other financial lenders face in determining whether they can make a loan to a creditworthy customer, and especially the one I want to talk about briefly today, which is the regulatory environment in which the business community finds itself.

This effort by the Environmental Protection Agency to regulate greenhouse gases, in my view, is very negative toward job creation in two ways: One, it increases the cost of being in business, and that occurs at a time in which we don't expect other countries to abide by the same regimen that we may create—that our Environmental Protection Agency may create—around the world, that we would not expect other countries to abide by those same rules and regulations the EPA is putting in place.

That means, once again, American workers, American business is at a competitive disadvantage in comparison to those who make decisions about where plants are located, and we lose access to world markets because someone else can sell something cheaper than we can because of rising costs of production.

So even if there is an effort that excludes agriculture or small business from this legislation, the cost of production goes up, because in addition to the direct effect of having those regulations apply to your business, there is the indirect increase in cost related to fuel and energy costs—electricity and gas.

Clearly, to me, if you care about job creation, you would make certain that the Environmental Protection Agency does not head down the path that it is going, because of the increased cost of being in business and the consequence that has for American business to be able to compete in a global economy.

The second aspect of that is, and I think it is one of the real drags on today's recovery from the recession, is the uncertainty. No business person feels comfortable today in making a decision to expand or to put more people to work, to hire an additional employee, to invest in plant or equipment, because they do not know what the next set of regulations is going to do to their bottom line.

So with the uncertainty of this issue, we have had the drag upon our economy with the thought that Congress might pass the legislation labeled cap and trade. It became clear when the Senate adjourned at the end of 2010 that that was not going to happen. But then the uncertainty became, but what is the Environmental Protection Agency going to do?

As I visit plants, facilities across Kansas and talk to family owners of small businesses, manufacturers, the most common question I get from a business owner is, what next is government going to do that may put me out

of business? It is unfortunate. It seems as though government is no longer even neutral in regard to the success of a business in the United States but has become an adversary.

I urge my colleagues to support the McConnell amendment. I think it is a clear statement that the Environmental Protection Agency cannot do what it intends to do. It eliminates the uncertainty that a business person faces, and it reduces the cost of being in business in a way that says, we are going to grow the economy and put people to work.

We are going to have a lot of conversation on the Senate floor, we are going to have discussions with the administration, with our colleagues in the House of Representatives, about what spending we are going to cut. And those are difficult conversations. But I come back to the point that we as Americans have the opportunity to be optimistic. What we need to do for us to have a bright future, what we can do to have a positive conversation with the American people about what good things are yet to come, revolves around the fact that we will get rid of onerous regulations that serve no valid purpose in improving our environment and create great uncertainty and ever increasing costs for being in business.

We can have this conversation in a vacuum. But the reality is, our economy does not operate in a vacuum. Our business folks in Kansas and across the country have to compete in a global economy. This legislation that Senator MCCONNELL and Senator INHOFE have offered eliminates that uncertainty, reduces the cost of being in business, and allows us to have optimism about the future of the American economy and, most importantly, optimism for the people who sit around their dining room table wanting to make certain they either can keep a job or find a job.

I see the McConnell amendment as that moment of optimism. The message we send to the American worker, to those who are employed and to those who are unemployed, that this Senate understands that unless we get rid of the impediments toward growing an economy, we have little optimism about the future of job creation.

The McConnell amendment sends that message. It does it in a way that makes a lot of sense for the American economy and for the American worker.

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

The PRESIDING OFFICER (Mr. BENNET). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### MORNING BUSINESS

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the