

we speak about air pollution in the most general and theoretical terms. To me, it is a very personal thing. I invited her and every one of my colleagues, including my colleagues from Wyoming and Idaho and other States, to step forward the next time they visit a classroom in a school and ask a simple question to the students assembled there, a question I ask every time I visit a school. I ask the students: How many of you know someone who is suffering from asthma? Without fail, half of the students or more will raise their hand.

It is a mistake for us to ignore this epidemic of pulmonary disease which is literally claiming lives every single day in our country. It is a mistake for us to ignore the fact that this public health hazard of air pollution makes asthma sufferers suffer even more.

Two weeks ago, I was at the University of Illinois Children's Hospital and met with some of the parents of asthmatic children. It is a heartbreaking situation. I cannot imagine what it is like to be sitting there on the bedside of your daughter or son when they say, I can't breathe. That is the reality of asthma in its worst situation.

Maybe that is not the worst situation. I can recall visiting emergency rooms at children's hospitals in Chicago and having emergency room physicians say, I have had teenagers walk in here and say, I have asthma, I can't breathe, and I sat there and watched them die. There was nothing I could do about it. That is the reality of asthma and pulmonary disease. That is the reality of pollution. And if Senator PAUL and his followers have their way, we will reduce the standards for clean air in America, we will endanger more people with asthma and pulmonary conditions, and we will pay a heavy price—not just in the human suffering and death but in the health care costs associated with it.

Why is it, when the Republicans are asked to come up with a way to create jobs in America, their first stop is to eliminate the EPA? Why is it that the House of Representatives, Republican-dominated House, boasts that they have a jobs bill, and you look and find they on 168 separate occasions this year tried to take away the authority of the Environmental Protection Agency to protect the air and the water that we drink? Is that the path to economic prosperity in America? The filthy skies we see in some cities around the United States and the smog that is attendant to it? And of course, if you go overseas to China, you can cut the air with a knife 24/7. That is the reality of an unregulated business environment. It is a reality we can change. We can change it with thoughtful regulation, we can change it by dedicating ourselves to public health and safety, and we can change it by supporting those rules which are consistent with improving public health.

I want to salute Senator AYOTTE for her statement on the floor. Senator

ALEXANDER of Tennessee joined her. We believe there will be a handful of stalwart Republicans who will step forward with us today to defeat the Paul amendment. They believe, as we do, this is not a partisan issue. It does our country no good to declare war on the Environmental Protection Agency and to leave ourselves vulnerable to all the death and disease that will follow if we don't do something meaningful to deal with air pollution. I think we can, and I think we should, and I hope we can do it on a bipartisan basis.

When I listen to the suggestions about creating jobs, I think many on the other side overlook the obvious. When we are looking for more energy efficiency and cleaner energy, we are pushing the envelope on technology. We are asking for innovation, entrepreneurship, and new employment to reach it. It is an exciting opportunity for us across this country.

Two weeks ago I visited a new coal-fired plant in southern Illinois near my home area where I was born. It is across the road from a coal mine, and they have put on that plant \$1 billion worth of scrubbers and cleaning devices to reduce air pollution dramatically from where it otherwise would have been in a coal-fired plant. They made the investment because it was the right thing to do, and it is a standard that is moving us forward as a country so we can say to the American people we can produce the energy we need for our economy to create jobs and grow, but do it in a sensible fashion.

If the Republican leadership in the House has its way, the Environmental Protection Agency will all but disappear. Maybe that is their way to expand the economy, but it is not mine. I would rather be creating jobs for energy efficiency and new energy technology right here in the United States, so that we end up with cleaner air and purer water. I would rather do that than watch the RAND PAUL approach pass, and find ourselves creating jobs, sadly, on the backs of those who are suffering from asthma. I don't doubt, if there are more asthmatics, there will be need for more medical professionals, more emergency rooms, more nebulizers, more medical treatment. Those aren't the kinds of jobs we should pointedly try to create. We need those folks, but we shouldn't make their tasks any harder or more difficult by increasing the number of children and young people in America who are suffering from asthma that is the direct consequence of watering down the air pollution laws in a way that Senator PAUL will try to do later today on the floor of the Senate.

Let's have respect for the people who live in this country and the health of their children. Let's vote down this Rand Paul resolution.

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

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

The bill clerk proceeded to call the roll.

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

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

#### CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

The Republican leader is recognized.

#### DISAPPROVING A RULE SUBMITTED BY THE ENVIRONMENTAL PROTECTION AGENCY RELATING TO THE MITIGATION BY STATES OF CROSS-BORDER AIR POLLUTION UNDER THE CLEAN AIR ACT—MOTION TO PROCEED

Mr. McCONNELL. Mr. President, I move to proceed to S.J. Res. 27.

The ACTING PRESIDENT pro tempore. The clerk will report the resolution by title.

The bill clerk read as follows:

Motion to proceed to the consideration of the joint resolution (S.J. Res. 27) disapproving a rule submitted by the Environmental Protection Agency relating to the mitigation by States of cross-border air pollution under the Clean Air Act.

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 2 hours of debate equally divided and controlled between the two leaders or their designees.

Who yields time? The Senator from Kentucky is recognized.

Mr. PAUL. Mr. President, I rise today in support of clean air, clean water, electricity, and jobs. I think we can have a clean environment and jobs, but not if we let this administration continue to pass job-killing regulations. These new regulations will cost over \$2 billion, and over the course of a decade or more may well exceed \$100 billion. We add these new regulations to over \$2 trillion worth of regulations already on the books. The President is adding \$10 billion worth of regulations every month, and we wonder—we have 14 million people out of work, 2 million new people out of work since this President took office. Yet we continue to add regulation upon regulation.

So far this year President Obama has added \$80 billion worth of new regulations. If this President is serious about job creation, he needs to cease and desist from adding new job-killing regulations. The vote today has nothing to do with repealing the Clean Air Act. I am sure we will hear hysterics on the other side. We will hear from environmental extremists. But this has nothing to do with repealing the Clean Air Act. We have rules in place to control emissions from our utility plants. We are not arguing against that. In fact, we are arguing for continuing the same rules that have been in place for some time.

Over the decades our environment has become cleaner and cleaner. Emissions have gone down with each successive decade. We are simply asking that the clean air regulations already on the books stay in place and that we do not make the regulations so onerous that we put utility plants out of business so we have an inability to supply electricity to this country.

Over 50 percent of our electricity comes from coal-fired plants. If we shut down the coal-fired plants or if we bankrupt them—as the President explicitly said in his campaign, that would be the desire of his policies—if that should occur, be prepared for brownouts in our big cities, be prepared for days when there will not be electricity, but also be prepared for rising unemployment as these job-killing regulations put a stranglehold on the economy.

The question is, Can we have clean air and jobs? Absolutely. But to have clean air and jobs we must have balance. We are at the point of becoming so overzealous and of overreaching to such a great extent that we are killing jobs. We are killing industry. We are going backwards in time.

Before we add new regulations we must ask, Are the current regulations working? The answer is an unequivocal yes. Emissions from utility plants have been declining for decades. In fact, while coal-based power has nearly doubled in the last several decades, emissions have been reduced by 60 percent.

I need to repeat that because if we listen to the hysterics, we would think otherwise. We would think the Statue of Liberty will shortly be underwater and the polar bears are all drowning and that we are dying from pollution. It is absolutely and utterly untrue. All of the statistics—and these are statistics from the EPA—all of the statistics from government, from the EPA, show declining pollution. Everything about this argument shows that the environment has been improving for decades. In fact, John Stossel has done a program on this, and he asked fifth graders: Do you think the environment is cleaner now or 30 years ago? All of our schoolchildren have been brainwashed by these environmental hysterics who say, oh, it is a lot worse now. It is actually much better now.

Here are some statistics. We are talking about regulating two emissions that come from utility plants. The first is sulfur dioxide. We can see in the midst of the range, the average has been going down every decade. We have reduced sulfur dioxide just in the last 6 years by 45 percent under the current regulations.

If we look at the nitrous oxides, which are also regulated under this series of regulations, we can also see they have been in decline. The existing rules are working. Nitrous oxides, which can create ozone, are down 45 percent in the last 5 years. The existing rules are working. All we are arguing for is that we not become over-

zealous, that we not overreach, that the regulators and the regulations not become job-killing regulations. That is where we are headed.

This administration has proposed a series of radical changes to our environmental law. These are regulations that are being written by unelected bureaucrats in which we in Congress are not having a say. What I am asking for today is that Congress vote approval or disapproval of these radical, extremist regulations, these job-killing regulations that are coming down the pike.

If we look at jobs and look at what will happen to jobs, we will see that these regulations—simply this regulation alone—could cost as much as 50,000 jobs. Indirectly, the people who work for them who would be losing their jobs. As much as 250,000 indirect jobs could be lost.

We do need to ask the important question: Are the existing regulations working or do we need to make the regulations more strict? This is a balancing act. On the one hand we have our environment, which we all care about. No matter what the other side will say, Republicans do believe in clean air and clean water. But we also believe in jobs. It is a balancing act in our country and in all of our communities to try to have both jobs and a clean environment. But we have to look at the facts. We cannot become hysterical and say the other side is for pollution. That is the kind of stuff we are hearing.

We are all for clean air, we are all for clean water, and we are all—or we should all be for jobs. My concern is that the President has allowed radicals to take over the administration. He has allowed environmental extremists to take over policy. As a consequence, we are losing jobs.

It is important to note that people think they will plug their electric cars into the wall and that has nothing to do with coal. Fifty percent of our electricity comes from coal. Does that mean it is perfect? No. But we have to look at the emissions from coal-fired utilities. The emissions have been declining decade after decade.

While coal-fired power has nearly doubled in the last several decades—we are having to produce more electricity from coal in the last several decades—emissions have declined 60 percent. We are doing a good job with the current rules. Let's not kill off industry. Let's not kill off jobs. Let's not put our citizens at risk during the height of the summer and the height of a heat wave of not having electricity or during the height of cold waves in the winter of not having electricity to heat their homes.

The alarmists, such as Al Gore and others, would have us believe everything is worse and the world is on the edge of some sort of cataclysm. If we allow them to control our debate, if we do not talk reasonably and rationally about the facts, if we do not look at the statistics of what has been occur-

ring to control emissions, we are not going to get anywhere. I am asking we base our discussion on rational facts and not on emissions.

To give an idea of where some of these extremists are coming from, there is one of them who is a prominent extremist in this debate. She has called for a planetary law, whatever that is. She wants a planetary law of one child per family because she is worried about the carbon footprint of the worst polluters in the whole world.

But who do we think the worst polluters in the world are? Humans, for breathing. She says we have far too many breathers on the planet and the way we reduce breathers on the planet is we will have one child per family mandated worldwide. We know how China does that.

I don't think we can let the debate get out of control. Today's debate is about overreach. I would like to give an example. Think about what cities looked like in 1900. We have a picture of Pittsburgh, where I was born, in 1905, and then a picture of Pittsburgh today. You may not be able to see the picture from the distance, but we can get an idea.

Throughout Pittsburgh it was smog and pollution. It was heavy. They say at noon on a day in Pittsburgh you could go out and your white shirt would become black. They say at noon in Pittsburgh the street lanterns were on because you could not see through the smog and the smoke.

Here is Pittsburgh today. We are not arguing for no rules. The rules we have in place have been working. What we are arguing is not to let the rules become so overzealous, so onerous, that we kill jobs and we kill industry.

We want a clean environment and jobs. We have to have a balanced approach, and we cannot let hysteria and environmental extremism take over our country. The West led the industrial revolution. Life expectancy has doubled since the discovery of electricity. Childhood infectious mortality has become one-hundredth of what it was before electricity. For all the advances of civilization, there are advantages and there are disadvantages. As we have advanced from an industrial society, there have been problems, but we have been ironing out those problems for 100 years now. We are doing a good job at that, and we should not allow the regulations to become so onerous that we begin to lose jobs.

One of the other things people argue about and one of the big health concerns they have with pollution is with regard to asthma. The interesting thing is, if we look at all the statistics on all the emissions from our powerplants, all these declining lines are emissions. Emissions have been going down decade upon decade. The incidence of asthma has been rising. If we were looking at this chart, we would say maybe emissions declining is inversely proportional to asthma. The other argument could be maybe they

are not related at all, but they definitely are not proportional. We are not seeing rising incidents of asthma because we are having increased pollution. We have decreased pollution and rising incidents of asthma. Either they are inversely proportional or not related at all.

This is an important point because what comes out of the hysteria of the environmental extremists is—we will hear people stand and say half a million people are going to die if this goes through. The Vice President recently said Republicans, because they didn't vote for his jobs plan, were for murder and rape. The ridiculousness of these statistics that are trotted out as truth should be spurned. We should think about things calmly and rationally and decide: Can we have clean air and jobs? When we hear these statistics, let's be very careful not to get carried away.

Joel Schwartz has written about asthma and the environment and pollution and he notes that: As air pollution declines, the asthma prevalence continues to rise. One possible conclusion is that air pollution is not a cause of asthma or not even related. Every pollutant we measure has been dropping for decades pretty much everywhere while asthma prevalence has been rising pretty much everywhere.

The other side will say, but the American Lung Association says pollution is making asthma worse. You know what. The EPA actually gave the American Lung Association \$5 million, so I think their objectivity has been somewhat tainted.

If we look at asthma incidence and we say: Where is asthma the worst, interestingly, asthma is worse in the countries that have the lowest incidence of pollution and asthma is actually lowest in the countries that have the highest evidence of pollution.

As we look through these statistics, we need to be concerned about the costs of these new regulations. We need to be concerned about having balance between job creation and job-killing regulations. I am afraid what happened is we have opened the White House and this administration to environmental extremists, the kind of people who say: The polar bears are drowning. The whole thing on the polar bears drowning was based on the sighting of two polar bears on an iceberg and they all of a sudden maintain this. Once we start counting the polar bears, apparently they are not in decline.

So the statistics and hysteria over whether within 50 years the Statue of Liberty will be underwater, this is the kind of hysteria we don't want to drive policy. It is the kind of hysteria that when our brother-in-law is out of work and when 2 million new people are out of work since this administration came into power, we need to be concerned about regulatory overreach.

Another issue we are concerned about is what will happen with these new regulations with electricity rates. We have a map that shows across the

United States what will happen. When we think about our electricity rates going up and the expense to this, think about who gets hit worse, the working class and senior citizens on fixed incomes. They are the ones who will suffer from rising electricity rates. It is the person who depends only on their Social Security check and has no other means of supporting themselves and is trying to pay for their electricity.

In some regions, electricity could go up almost 20 percent with this series of regulations this administration is proposing. This is throughout the country. It is more in some areas than others, but it will go up dramatically, and that is the danger of allowing these new regulations—what will happen to electric rates and will poor people in the winter or heat of the summer be able to afford their electricity? The cost of these regulations is real. The cost of these regulations will be passed on to the consumer and there are significant dangers of there being periods of times in large cities where there is not enough electricity to go around and the electrical grid is overwhelmed.

As we go forward and as we begin to hear some of the hysteria that will occur from the other side, be aware that what we are arguing for is not the elimination of regulations. We are arguing for continuing the existing regulations, with the two emissions we are talking about have declined significantly over decades. Sulfur dioxide has declined over 70 percent over the last three decades. Nitrous oxide has declined over 50 percent over the last several decades. So the question is, if we are doing an adequate job, if we are doing a good job, if emissions are going down, why would we want to impose new rules that will cause loss of jobs and will cause an increase in rate of electrical costs?

If one is cynical, one of the reasons might be because the President wants to reward some of his campaign contributors; for example, Solyndra. The owners of Solyndra, which makes solar panels—or did. They have now gone bankrupt after they ate up \$500 million worth of our money. Perhaps this is more of a political argument that he doesn't like certain industry but he likes other industry. So he is willing to spend our money, \$500 million worth, on one company.

Solyndra went bankrupt recently, and \$500 million is still a considerable amount of money. I will put that in perspective. In Kentucky, we get over about \$420 million to pave our roads annually out of the gas tax that we pay. There are 35 States that get about the same amount, somewhere under \$500 million. Yet the President saw fit—because he has been consumed with this environmental extremism—to give \$500 million. That is more than 35 States get for their highway funds. He saw fit to take that money and give it to one political contributor because he has decided he wants more expensive electricity. He wants electricity that

comes and is produced by people who have been his campaign contributors.

As we look at adding these new regulations, these need to be put in context. We need to look at and seriously think about whether we want our country to be taken over by environmental extremists, whether we want or care about can we have a clean environment and jobs. I think we can have both. I think we can have clean air, clean water, and jobs, but it will require a balanced approach. My fear is, if these regulations go forward, the balance will become imbalanced, that there will be job-killing regulations that cause electrical rates to go up and cause us to have significantly more economic problems than we are already in.

At this time, I call on my colleagues to consider supporting this resolution, which will be a disapproval of these new and onerous regulations, and I reserve the remainder of my time.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. BOXER. Mr. President, would the Chair let me know when I have used 5 minutes, and then I am going to yield to Senator REED for up to 8 minutes.

The ACTING PRESIDENT pro tempore. The Chair will do so.

Mrs. BOXER. Mr. President, I wish to be clear about this. If the Paul resolution passes—which I don't think it will, it is so extreme—people in 38 States, 248 million people, will be adversely impacted with filthy, dirty air.

In the Senator's own State of Kentucky, the prediction is, based on science, that between 530 people and 1,400 people will succumb to premature death. So we are not talking about some political argument. We are talking about the very life and death of the people we represent. I wish to thank Senators DURBIN, WHITEHOUSE, LAUTENBERG, SHAHEEN, and AYOTTE for already speaking out on the floor against the Paul resolution.

I hope we will have a big vote because we are dealing with the health of the people, with the health of the children, with the ability of people to work—because if we cannot breathe, we cannot work—and we are dealing with jobs, many jobs, over 1 million jobs that are created as a result of clean technology.

Senator PAUL insulted the people of America. There was a poll just taken last month where 67 percent of voters support the cross-state air pollution rule. That is 85 percent of Democrats, 68 percent of Independents, and 48 percent of Republicans. Are they extremists? No. They are mainstream. Are the groups who support this rule extremists?

I think the Senator owes an apology to the American Lung Association for making it sound as if they are for air pollution rules because they are getting some kind of payoff. It is an outrage, a complete outrage. Does he

think the National Association of County Health Officials is extremist? He said the American Lung Association. He already attacked them. How about the American Nurses Association, does he think they are extremists? Does he think President Richard Nixon was an extremist when he signed the Clean Air Act and he said: "Clean air, clean water, open spaces—these should once again be the birthright of every American." Does he think Richard Nixon was an extremist?

Let's talk about what he wants to do. He wants to repeal a very important rule that is going to clean up the air, that is going to reduce toxic poison soot and smog-forming air pollution that impacts air quality for over 240 million people.

Let me say this. I know all 100 of us in this Chamber would condemn it if somebody took all their garbage and put it on the lawn of the next-door neighbor. That is what this cross-air pollution rule is about. It is about States that don't crack down on pollution. They have smokestacks that blow the pollution into other States and they say: Isn't it wonderful? We don't have any problem here; it is your problem.

When I made this analogy, Senator CARPER corrected me. He said: The Senator is right. It is a good analogy as far as it goes, but garbage is not usually poison. I will amend my analogy to say this: If we knew that someone had garbage that included poison and they took that garbage that included poison and put it on someone else's front lawn, that would be a terrible thing to do, and it would be the moral responsibility of that party to clean it up and not do it again. That is what this rule is about.

I wish to talk about specifics rather than be vague. This rule that Senator PAUL seeks to cancel and repeal prevents up to 34,000 cases of premature death, 19,000 emergency room and hospital visits, 400,000 cases of aggravated asthma attacks, and 1.8 million lost work and schooldays. It is estimated to provide up to \$280 billion in annual benefits by 2014.

So all this flailing around of arms and calling people extremists simply cannot erase the fact that what Senator PAUL is doing is extreme and is hurtful to our people.

How many people feel good when they look at a child such as this who is desperately seeking air? Here is the exhaler, this plant, and here is her inhaler. Exhale from these dirty plants and inhale clean air.

It reminds me of a story I just read in the New York Times that talks about China.

The ACTING PRESIDENT pro tempore. The Senator has used 5 minutes.

Mrs. BOXER. I ask unanimous consent for 1 minute, and then I will yield 8 minutes to Senator REED.

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

Mrs. BOXER. In China, the leaders there are arrogant and they are elitists and they surround themselves with air purifiers in their offices, in their homes, in the great hall of the people where they work, which is opulent, but the rest of the people in China have to breathe the filthy, dirty air. In a recent trip there, our group did not see the sun for 7 days.

"Chinese leaders are largely insulated from Beijing's famously foul air." That is the story in the Times. "The privileges of China's elites include purified air." Well, I don't think anybody ought to be able to insulate themselves from the quality of the air. We have to clean up the air for everybody, not just an elite few. So I think Senator PAUL's resolution under the CRA should be soundly defeated.

At this time, I yield 8 minutes to Senator JACK REED.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

Mr. REED. Mr. President, I appreciate very much the Senator yielding, but I think the custom is that we are going back and forth, if the Senator from California would like to finish her statement.

Mrs. BOXER. Mr. President, I wish to address that, if I could for a moment, for the benefit of Senator COATS. I was going to speak for a much longer block, but I didn't. I yielded the time to Senator REED, and I retain the time I have. So I only did it because he was trapped in a hearing. But it is up to the Senators, however they want to proceed.

Mr. REED. I think if the Senator from California wishes to finish her statement and then recognize Senator COATS, that would be appropriate. That is the procedure. I think it is appropriate to alternate back and forth.

Mrs. BOXER. I am happy to do that. I will retain my time and yield to the Senator from Indiana.

Mr. COATS. I thank the Senator from California. I agree with the Senator from Rhode Island. If the Senator from California wants to finish her time, I am happy to—

Mrs. BOXER. I am retaining my time.

Mr. COATS. My understanding is that we are going back and forth, and I think we should stay with that order. So I appreciate the support of the Senator from Rhode Island for that agreed-upon procedure.

The ACTING PRESIDENT pro tempore. The Senator from Indiana is recognized.

Mr. COATS. Mr. President, I rise in support of Senator PAUL's resolution. The word "extreme" has gotten thrown around here an awful lot. I just walked on the floor.

What is being sought here is not extreme. Under the Clean Air Act, there have been extraordinary gains in terms of air pollution controls, and there have been hundreds of billions of dollars spent over the last couple of decades to provide some much needed and much appreciated clean air all across

the country. Are we 100 percent there yet? No. Are we a long way toward getting there? Yes. The issue before us today is, can we allow sufficient time for utilities that are spending these hundreds of millions, if not billions, of dollars to continue the process of retrofitting their plants and providing energy to consumers and businesses at a reasonable rate.

In the Midwest where a lot of these plants exist—although this covers 27 States—we make big stuff. We make cars and we make trains and we make automobiles and heavy machinery. It takes electricity to do that. Our economy is not based on maple syrup or wine from Napa Valley, it is based on major, huge industries producing what America needs to move people around and to create the kind of economy all of us have enjoyed. It also provides a lot of jobs. We have spent literally hundreds of billions of dollars in complying with Clean Air Act regulations, and we have come a long way.

There is nothing extreme to talk about here on either side, I believe, because the record speaks for itself. The question is, Do these utilities that produce this energy needed to run this economy have time to finish what they have started? Senator PAUL has basically said: Look, this EPA rule basically says companies have until January 1, and that is it.

I have a plant down on the Ohio River that is spending hundreds of millions of dollars in retrofit, but they can't meet this deadline. They are now in a position of having to decide whether to throw this money away and to waste everything they have already put in when they are halfway through the process or close the plant down completely.

Six plants will close down in Indiana, it is projected, with an increase in utility rates not just to consumers but to our manufacturers at the level of 20 to 25 to 30 percent. At a time when our economy is struggling, is this something we want to add, particularly for an industry that is committed to going forward but just needs a little bit more time?

That is the purpose of this resolution before us, and I am hoping we will take a reasonable view of the gains we have achieved over the decades we have been at work, the clean air we have achieved, the commitment to the final goal of the Clean Air Act but doing it in a reasonable timeframe in a cost-effective way that doesn't throw our economy into a further level of distress in terms of the number of jobs we need and the amount of money that has to be spent to achieve that.

With that, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

Mr. REED. Mr. President, I rise in strong opposition to the proposal by Senator PAUL to preempt the implementation of the cross-state air pollution rule.

We recognize throughout this country our extraordinary employment

challenges—in Rhode Island particularly but in every State. These are challenging times. But our focus should not be on undermining protections for the public health, rather our focus should be on job creation, as the President has suggested through his jobs act. That is what we should be doing.

This is one of a series of proposals—and I have seen many of them as the chairman of the Appropriations Subcommittee on the Interior—to essentially eviscerate the ability of the EPA to protect the health of the country and its people.

What has struck me during these debates is that we are, in a way, victims of our success. I am old enough to remember when the Cuyahoga River in Cleveland was on fire because there was no control, effectively, of what was being dumped into rivers and streams throughout this country, and when clean air was something that was a sought-after goal, not a reality, in so many parts of the country.

We can look at the experience of the State of California, Senator BOXER's State. In 1976, there were regular health advisories because of the poor air. But a combination of EPA regulations and California regulations has seen the average of these health alert days in which the frail and elderly couldn't go outside, young children were advised not to play outside, and it was very difficult to put up with the smog and the congestion, fall from an average of 173 days a year—half the year—in the 1970s to about 6 days per year in the late 2000s. That wasn't an accident; that was because of effective implementation of the Clean Air Act, which, as Senator BOXER pointed out, was spearheaded by President Nixon in the 1970s. This attempt by Senator PAUL is one of many attempts to reverse that progress on the assumption that things will stay the same. No, they will get much worse, actually.

This rule has been carefully evaluated. It has been through several different procedures and rulemaking processes. It has been estimated effectively and carefully that between 13,000 and 34,000 lives would be saved that would otherwise be affected and shortened because of smog and soot pollution. This rule would help avoid 15,000 heart attacks, 400,000 more asthma attacks, 19,000 hospital emergency room visits, all of that tremendous health cost. And indeed the estimated yearly costs to industry of about \$2 billion to \$3 billion pales in comparison to the estimates of the benefits of between \$120 billion to \$280 billion if this rule goes into effect.

The essence of this rule effectively, though, as Senator BOXER also suggests, makes us all better neighbors. We have a 10-percent unemployment rate in Rhode Island, and we do not specialize in wine or maple syrup. We used to be a manufacturing center. Manufacturing requires electricity. We have very high electricity costs. Why? Because our State has to compensate

for the pollution coming from these other States. This is a tax. The present situation, without this rule, is a tax on small business, and particularly manufacturing, in Rhode Island. We want a rule that requires the polluters to pay the full cost of their pollution, so if it is emanating from the Midwest and being transported to Rhode Island, those people creating it should be paying for it. That is the way the market should work. We are paying for it. We are effectively subsidizing lower electricity rates in parts of this country that are taking jobs from Rhode Island. It is not only unfair, it is bad policy.

In Rhode Island specifically, only 5 percent of ozone pollution is from local or instate sources—5 percent. Ninety-five percent comes from outside of our borders, particularly the Midwest. It is transported. That is at the heart of this rule—to give us a chance not only to protect ourselves and to control our own pollution but to not be subject to the additional cost as this pollution moves across the country.

We are in a situation where we are essentially being imposed upon dramatically, and this rule will try to strike the proper balance. It will try to incentivize those producers of pollution to prevent the pollution. It will let us be more competitive. It will allow us to go ahead and essentially have a much more level playing field when it comes to what we are all talking about: creating jobs.

It is awfully tough to go up to Rhode Island and look at businesses that are making progress and being told that one of the key costs is electricity and one of the key factors driving up those costs is all of the pollution control that we have to put in place, not because of what we are generating, but because 95 percent of our pollution is coming from other States.

This rule makes sense in every dimension, and I think to undercut this rule would do a great injustice to the health of the American public and the economic potential of States throughout this country.

Let me say something else too. I think we often see this erroneously as a one-sided cost: Oh, these polluters, these utilities are going to have to put all of these controls on. Well, guess what, they are hiring skilled American workers to put in place products that I hope are produced in America. All that contributes to our economy.

So for many different reasons, I urge my colleagues to oppose this resolution. The rule is efficient. It is effective. It will actually help our economy. It will certainly help the quality of life for Americans in those States that are suffering from the pollution of other States, and that are essentially paying for the pollution of States throughout the country. If the winds were blowing another way, I daresay many of my colleagues would be standing up and arguing exactly the opposite.

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

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I am pleased to support Senator PAUL's work to avail himself of and make use of the Congressional Review Act which establishes a process for Congress to review and nullify unwarranted Federal regulations.

The Congressional Review Act process is rarely used—only successfully on one other occasion since it was created in 1996—but it is a legitimate process, and it is of increasing importance today. This is an opportunity for Members of Congress, who are concerned that regulations are taking over the country, to try to see some of those unwarranted regulations pulled back. It is an opportunity for people to prove they mean what they say when they say that.

The Heritage Foundation published a chart identifying the “Obama Regulation Tsunami.” Heritage identified 144 new regulations that were pending in 2011—this year. All of those were expected to cost more than \$100 million—all of them. In 2006, there were 69 such regulations pending. The average number of rules over \$100 million pending during 2001 through 2006 was about 72. Now, during this administration, the average number is not 72; it is about 130. That is an 80-percent increase in the number of pending regulations with costs over \$100 million. So this is a tsunami of costly regulations falling on our economy.

Senator PAUL's resolution seeks to nullify just one of the EPA rules aimed at reducing the use of affordable coal-fired powerplants in 27 specific States, including my State of Alabama.

The rule will increase power bills for people and businesses. There is a range of other new EPA rules that will raise the price of electricity in addition to that rule. This increases the cost of doing business, and it makes our businesses less competitive and results in job losses.

Higher energy costs make American businesses less competitive and less able to create jobs and more likely to invest in other countries than in this country. In an EPW hearing—the Environment and Public Works Committee—last month, we heard testimony that over 180,000 jobs will be lost each year—each year, 180,000 jobs—from 2012 through 2020 as a result of just 4 EPA rules that impact the electric utility sector—just the electric utility sector. One of those four rules is the Cross-State Air Pollution Rule that Senator PAUL's resolution addresses. This is net jobs lost. The evaluation takes into account alleged job gains from the four rules.

Together, the four rules would result in \$21 billion in annual compliance costs and raise residential energy prices by 12 percent in Alabama and even more in other States. A 12-percent increase in residential energy costs is significant. These are working people. If your bill is \$150 a month, it is now

going to be \$168 a month. If it is a \$200 bill, it is going to be \$224 a month. That is real money and for gaining not one thing that adds to the productivity of a business or a residence. It is a really significant cost.

Do not think it does not fall on people. We have gotten our mind set in Washington that we can impose a rule and it has costs on businesses but it does not cost us. But in truth, it is the equivalent of a tax. For example, if the government wanted to clean up the air, we could tax the American people, use that money to go to all the powerplants, add extra costly techniques to it, and clean up the air that way. That would be a tax. We would have to defend that to the American people. We would have to justify that this cost we have extracted from them through increased taxes was worth the benefit. But we can wash our hands of it, the way we do business today. We simply pass a law that mandates that these businesses do that, and we pretend it does not impose costs. But the experts say these rules will result in a 12-percent increase in utility rates in Alabama alone. Those are my people—working-class people, middle-class people, poor people who have to have electricity.

An analysis of all the new EPA rules impacting the electric utility sector is even more astounding. Southern Company, which operates in the Southeast, estimates that the capital costs of complying with the full range of proposed EPA rules for coal-fired electric generation would be between \$12 billion and \$15 billion. Costs for Alabama Power, which provides electric power for much of our State, are estimated to be between \$5 billion and \$7 billion. Alabama's general fund budget, not counting education, is \$2 billion. This adds to one power company \$5 billion to \$7 billion in costs. The President and Senate Democrats like to talk about raising taxes on the rich, but their regulations are, in effect, a huge tax increase on everyone, poor and rich alike, in the form of higher energy prices and fewer job opportunities. With unemployment at 9 percent, we need to ask ourselves, Can we afford this kind of increase now?

Nucor Steel pointed out in recent testimony that a 1 cent per kilowatt hour increase in the electricity they buy to make steel would add \$120 million in costs to their company. That was the testimony they gave a few weeks ago at an EPW hearing.

But let's talk for a moment about the specific rule Senator PAUL's resolution would nullify. The Cross-State Air Pollution Rule mandates that 27 States reduce their sulfur dioxide emissions by 20 percent by 2012 and nitrogen oxide, NO<sub>x</sub>, emissions by 50 percent by 2014. Remember, we already brought down emissions of NO<sub>x</sub> and sulfur dioxide significantly. Our air is cleaner in virtually every city in America than it was just a few years ago and much cleaner than it was 20 or 30 years ago.

We can be thankful that Congress mandated that. And there certainly were objections raised at that time. It did impose costs, as said, but it also has helped clean our air. That is a fact. But I would just say this to you: The lower hanging fruit has already been achieved. America's electric utility industry is operating more efficiently and more effectively today than ever. But a 50-percent reduction in nitrogen oxide emissions by 2014? An additional 20-percent reduction of sulfur dioxide by next year? Utilities will be forced to either install expensive technologies such as scrubbers or shut down their units.

This rule, in combination with other new EPA rules, will be the nail in the coffin for a lot of coal-fired powerplants. They will just close. It will also close coal mines where we produce American energy—not imported energy, American energy. In Texas, one of the State's largest power producers, Luminant, has said the rule would result in 500 job losses due to the closing of units at one of its coal-fired plants and the closing of three nearby coal mines.

There are serious concerns about the new Cross-State Air Pollution Rule. Over 70 parties have challenged it in Federal court, including Alabama's attorney general, Luther Strange, a fine attorney general who works hard every day for the people of Alabama. So have his colleagues in Kansas, Texas, Nebraska, Florida, Oklahoma, South Carolina, Virginia, Georgia, Louisiana, Indiana, Ohio, Wisconsin, and Michigan. Many labor unions are opposing the rule. They know it will hurt jobs.

Before concluding, let me say this: EPA is too often using scare tactics and statistics to push its regulatory agenda. I think that is dangerous. One reason we have seen such a surge in EPA regulations is because in 1 year they got a 35-percent increase in their budget—more than virtually any other agency in Washington.

EPA claims their Cross-State Air Pollution Rule, for example, is necessary to prevent up to 34,000 premature deaths per year—34,000. EPA is actually claiming that without this rule, 34,000 people would die each year. But EPA's basis for this assertion is fundamentally flawed.

First, EPA assumes in its baseline that existing rules are not in place to protect public health. That is absolutely not true. The Bush administration issued the Clean Air Interstate Rule that requires reductions in the same emissions targeted by this new rule. I am told sulfur dioxide emissions are already down more than 40 percent over the last decade. The same is true for NO<sub>x</sub> emissions. This new Cross-State Rule would add even more layers of requirements on top of existing protections and rules, but EPA does not acknowledge that when they do their analysis of the casualties they find. That is the first way they overstate the benefits.

Second, EPA assumes in its baseline that 320,000 deaths per year in the United States are attributed to particulate matter pollution from sources like powerplants. That would be more than 10 percent of all deaths in the United States in a year. Are we to believe that 10 percent of all U.S. deaths are attributable to pollution from powerplants? We have taken extensive testimony in the EPW Committee on this topic, and it is clear that EPA is playing fast and loose, and they are manipulating data, it seems to me pretty clearly. EPA is overstating the benefits of their rules.

Third, EPA does not seem concerned about establishing any direct cause-and-effect relationship; they just rely on statistical relationships. A simple statistical correlation alone does not support a causal connection. For instance, a statistical correlation between ice cream sales and heatstroke does not mean there is a causal connection between them. On hot days, more ice cream is consumed. More people have heatstrokes on hot days. That does not mean there is a cause-and-effect relationship between the two.

So let me conclude by saying this: This administration is overregulating our economy. It is raising the price of energy. These costs and regulations are costing us jobs.

They are using scare tactics to justify their rules with dubious statistics. I know my colleagues will say these statistics are accurate, but I do not believe that these statistics that are coming out of EPA, our government environment and protection agency—the agency we depend on for honesty and integrity—can be defended as accurate. They are exaggerated, and it will be shown sooner or later that is a fact.

I know we want to have cleaner air. We are on a path to having cleaner air. We have been reducing NO<sub>x</sub> and SO<sub>x</sub> and particulates for years. We can continue to do that. But to talk about a 50-percent reduction in NO<sub>x</sub> by 2014 and a 20-percent reduction in SO<sub>x</sub> by next year—these are huge changes. After the low-hanging fruit has already been achieved, I do not believe that is justified, and I do not believe it should be pressed down on the brow of an economy that is struggling mightily to get off the mat and begin to grow again.

I yield the floor.

Mr. ALEXANDER addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee is recognized.

Mrs. BOXER. Mr. President, if my colleague would withhold for just 50 seconds.

Mr. ALEXANDER. Sure.

Mrs. BOXER. I thank the Senator.

I would like to make a quick point before my colleague, Senator SESSIONS, leaves the floor.

I want to first of all thank the Senator very much for working with us in the EPW Committee. As I said to the Senator privately, in our committee,

when it comes to infrastructure, we are all very closely tied, and we support each other. When it comes to the environment, we see things differently.

I want to say to my friend who is very wise in many ways, I do not know why he would question—he has a total right to question the EPA's assertion—that if we pass the Rand Paul repeal, it would result in 34,000 premature deaths. I want to point out he is not a cardiovascular specialist or a lung specialist. Neither am I. But I think it is important to rely on those who are, such as the American Association of Cardiovascular Pulmonary Rehab, the American Association of Respiratory Care, the College of Preventive Medicine, the Lung Association, the Nurses Association, and I will not go on because I only have 1 minute. But I will list these. I would hope we would look to these groups because I do not know of anyone in this body who is a specialist in cardiovascular or lung conditions. And these groups oppose the Paul resolution because they think people will get ill and they will die prematurely.

I yield 8 minutes to Senator ALEXANDER.

MR. SESSIONS. Mr. President, will the Senator yield for 30 seconds?

THE PRESIDING OFFICER (Mr. BROWN of Ohio). The Senator from Alabama.

MR. SESSIONS. Senator BOXER has done a great job of moving the legislation in committee. I have enjoyed her leadership in committee and the collegial way she has conducted the committee.

I will say to Senator BOXER that the 320,000 number is not correct. EPA should not be using it. We will challenge that. I intend to look at that more, and if they are wrong, I will expect them to acknowledge they are wrong. I believe they are wrong.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Tennessee.

MR. ALEXANDER. Mr. President, I believe I have 8 minutes. I would ask the Chair to let me know when I have 1 minute remaining.

THE PRESIDING OFFICER. The Senator is correct.

MR. ALEXANDER. The Senator from Kentucky wants to overturn a clean air rule which would limit the amount of soot and ozone, the pollution that causes smog, from blowing from Kentucky and other states into Tennessee or that blows from Tennessee into North Carolina. This is no solution to a serious problem.

I want to give the four reasons why I am going to vote no, and why I believe Senator PRYOR of Arkansas and I have a better solution, which is to put the rule into law and give the utilities enough time to comply with it.

Reason No. 1, auto jobs. The first thing Nissan did when it came to Tennessee 30 years ago was to go down to the Air Quality Board and get an air quality permit so it could operate its

paint plant. Fortunately, our air was clean enough to allow that to happen. Nissan came, and so did tens of thousands of jobs. If it had not gotten the permit, the jobs would not be there.

Volkswagen has come to Tennessee. We want to make sure its suppliers can get an air quality permit so they do not have to go to other States. So the first reason we need to stop air from blowing into Tennessee from other States is auto jobs.

Second, the Sevier County Chamber of Commerce, right next to the Great Smoky Mountains—that is where Dolly Parton grew up—I walk in to see them, and they say their No. 1 goal is clean air. That is because 9 million tourists come to see the Great Smoky Mountains, not the Great Smoggy Mountains. This is not a group or a hotbed of liberal regulators. These are the most Republican counties in Tennessee. Where I come from, which is the next county over, we have not elected a Democrat to Congress since Abraham Lincoln was President, but we like to breathe clean air. Our tourists do as well.

Tourist jobs are the second reason I am going to vote against the Paul amendment and why I support the Alexander-Pryor amendment.

Three, the American Lung Association tells us that dirty air blowing into Tennessee makes us unhealthier. It causes some of us to die, especially children and our older citizens. No. 4, this is no solution. It has no chance of succeeding. It will not pass the Senate. The President will veto it if it does. And what will it do? It will throw it back to bureaucrats and lawyers and bureaucracy and uncertainty and delay. That is not a solution. So the only reason for it is as a political message. What kind of message is it, that we favor dirty air blowing from Kentucky into Tennessee or Tennessee into North Carolina? That we favor not doing our job, but turning it back to bureaucrats, lawyers, uncertainty and delay? That is not a solution.

If we want a message amendment, there are many better choices. The Obama administration, particularly the EPA, is a happy hunting ground of unreasonable regulations. There is the boiler MACT rule, which must have been created on another planet. There is the cement MACT rule, which would increase the amount of pollution in the air. There is the ozone rule, which the President himself had to withdraw. There is the power plants coolant rule, which seems to have no benefits. There is even talk of a farm dust rule, which Senator JOHANNIS is talking about. So why aren't we talking about those rules instead of a proposal to make it easier for dirty air to blow into our State, make us unhealthier, drive away tourists, and cost us auto jobs? The Senator from Kentucky says it will cost. His sources say 2 percent. The Tennessee Valley Authority, the largest public utility in the country, says it is \$1 to \$2 a month—\$1 to \$2 a month.

That is a reasonable cost for what we are getting.

TVA has said they are closing 18 coal-fired units, but will continue to operate 38 coal-fired units. They are putting pollution control equipment on all of them. That means we are healthier, that means more jobs, that means more tourists. The Senator from Kentucky says emissions are declining. That is true, except in Kentucky they are not declining. Soot went up by 20,000 tons in Kentucky, according to the EPA, between 2009 and 2010. Some of that might blow into Tennessee, drive away jobs, drive away tourists, and make us unhealthy.

The Bush administration had a similar rule to this in 2005. That rule required nearly identical reductions in these two pollutants. Utilities have known since that time—for 6 years—these reduction were coming. Most utilities, like TVA, have complied with it or are beginning to comply with it. If we overturn the rule, it is no solution at all. I am ready for Congress to step up and accept its responsibility and do its job.

Someone said to me: Is that part of your new independence? No. I have had bipartisan clean air legislation in this Congress every year since I have been here, because I think it is our job, not the bureaucrats' job. I was elected to work on jobs and health, not pass the buck to the bureaucrats and lawyers. So I invite my colleagues to join Senator PRYOR and me. Let's put the rule into law. Let's give utilities enough time to comply. They do not have to comply on January 1, 2012. They have to comply 15 months after that in March 2013. We would extend it that time another year giving them two years to comply.

We are going to have a President elected next year. Whoever it is, his or her EPA will write new rules for communities across the country about how clean their air needs to be. If we make it harder for them to do their job, by allowing dirty air to blow into Nashville and Chattanooga and Memphis and Knoxville from other States, then when Volkswagen suppliers come to the State office to get their clean air permit, they will not get it, and those jobs will go somewhere else.

There is a lot I admire about our neighbors in Kentucky, including their two distinguished Senators. But I do not want their dirty air blowing into Tennessee. And I know North Carolina does not want our dirty air blowing into North Carolina, because they have been suing us for several years about it.

The American people are tired of messaging. I want to see the Great Smoky Mountains, not the Great Smoggy Mountains. I want tourists to come to Tennessee, admire the mountains, and leave their money. I want the Volkswagen suppliers to be able to locate their plants in Tennessee. I want all Tennesseans to be able to grow up healthy and not have to worry about

dirty air blowing in from other parts of the country.

The Alexander-Pryor amendment would limit that dirty air. It would help our communities. It would make us healthier. It will create jobs. Let's do our job. I ask my colleagues to vote no on the Paul amendment and become a cosponsor of the Alexander-Pryor amendment to clean up the air and do it in a way that helps utilities provide electricity at the lowest possible cost to the ratepayer.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I ask unanimous consent that Senator MENENDEZ go for 5 minutes and Senator BLUNT for 10 minutes following that.

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

The Senator from New Jersey is recognized.

Mr. MENENDEZ. Mr. President, I rise today to support the cross-State air pollution rule that protects downwind eastern States such as New Jersey from upwind power pollution plants' dirty air, and I rise in defense of the lives and the breathable air of the people of New Jersey, all 9 million plus.

Last week I asked the Governor of my State to join this fight. After all, this rule is supported by the New Jersey Chamber of Commerce and our largest utility, because it is good for business. They know it is only fair to level the playing field for New Jersey businesses, since we have already substantially cleaned up our electric generation facilities. We are meeting our obligations.

The rule is supported by just about everyone in the public health community because it will save an estimated 1,200 lives per year in New Jersey beginning in 2014. Nationally, it will save up to 34,000 lives, prevent 400,000 asthma attacks, and avoid 1.8 million lost sick days per year starting in 2014.

The economic benefits of this rule are estimated to reach anywhere from \$120 billion to \$280 billion each year. We are all focused like a laser beam on the economy, as we should be, on jobs and their creation, as we should be, on reducing deficits and looking at the bottom line. But this rule does not create or force a choice between trying to grow this economy, creating jobs, and reducing deficits. It is a good rule for the economy. It is a good rule for the health and well-being of Americans, particularly those downwind from the toxic emissions of powerplants.

Let's be clear. Corporate coal powerplants enjoy an enormous subsidy that we are trying to repeal with this rule. Those polluters can prematurely end 34,000 lives per year and not have to pay anything for that loss, not have to pay anything for the health care costs of all of those who are afflicted at the end of the day by this dirty air. But yet that cost is borne by all of us at the end of the day. To put 34,000 lives in

perspective, that is almost as many American lives as are claimed by breast cancer every year. So I ask my colleagues to join with me and others in voting against the Paul resolution. It is a vote for saving 34,000 lives per year. There are few times in this Chamber where you can actually cast a vote that will save a life. This is one of those moments.

Vote for over \$120 billion in economic benefits. Vote for cleaner air. Let us bequeath to future generations of Americans not air in our Nation that is dirty but air that is cleaner. Vote for keeping our children healthy. You know, the number of asthma attacks growing in this country is enormous. Certainly in my home State, respiratory ailments are on the rise. The last thing we need to do is to nullify the ability to create cleaner air at the end of the day. It is time for us to all see this as an opportunity to ultimately make a difference. It is a time for us all to see this disapproval resolution for what it is, a path for polluting industries that make us sick without paying for the cost it creates. To me, that is the ultimate corporate welfare. Let us join together in defeating this short-sighted resolution.

With that, I yield back the remainder of my time to the Senator from California, and I yield the floor.

Mr. LEAHY. Mr. President, there was a time when strong bipartisan majorities in Congress sided with the interests and views of the American people about curbing pollution to safeguard the public's right to a clean and healthy environment. Citizens placed their trust in the government to act on their behalf, to set science-based health standards to protect the air we breathe. On both sides of the aisle, there was an understanding that a healthy environment was critical to our families, our livelihoods, our economy, and our Nation. To improve the Nation's air quality, Congress almost unanimously passed the Clean Air Act in 1970, under President Richard Nixon. Congress then passed the 1990 Clean Air Act Amendments, again with overwhelming majorities in both Chambers, under President George H.W. Bush.

As part of the 1990 Amendments, Congress specifically required the Environmental Protection Agency, EPA, to address emissions that interfere with another State's ability to protect public health through air quality requirements. Yet today we still lack the appropriate pollution limits necessary to protect each and every American from drifting smog and soot pollutants, and to protect States from bearing the health and economic costs of distant polluters who are far beyond their purview. With the cross-State air pollution rule, the EPA is doing exactly what we in Congress asked them to do. This is also exactly what the courts told them to do, and exactly what they should do to protect the American public from the hundreds of thousands of tons of pollutants emitted each year from coal-fired powerplants.

These pollutants all too often reach unsafe levels, resulting in air quality alerts and dangerous health consequences—all the more so for young children, the elderly, and those who already have respiratory problems. My own wife Marcelle is a nurse, and she knows from experience how harmful air pollution can be in contributing to asthma, bronchitis, heart attacks, and even death.

This cross-State rule will protect the American people from dangerous air pollution pumped into our air by the largest polluters. These are sensible, workable limits that would tangibly improve Americans' lives. These are improvements that would foster a better economy by annually preventing up to 34,000 premature deaths, 15,000 heart attacks, 19,000 emergency room visits, 400,000 aggravated asthma cases and 1.8 million sick days.

By 2014, in Vermont alone, the health benefits will add up to \$360 million each year from these improvements. These changes are literally a matter of life and death for many Americans. For example, studies show that in our state, curbing smog and soot pollution will allow 44 Vermonters to celebrate another birthday and live to see the next generation of children and grandchildren thrive. In States like Kentucky, Tennessee, Michigan, Ohio, and Pennsylvania, the cross-State rule will save as many as 1,400 to 3,200 lives each year. That is a lot of parents, children, grandparents, aunts, and uncles.

However, S.J. Res. 27 would void the life-saving, health-promoting cross-State air pollution rule and prohibit any future attempt by the EPA to limit unsafe levels of air pollutants that drift across state boundaries—making it one of the all-time most harmful and egregious attacks on the Clean Air Act and on the health of the people we represent. If passed, this resolution would force the EPA to ignore dangerous, drifting emissions forever, compelling Americans to accept shorter lives, to accept the risk of heart attacks and strokes, to suffer with asthma and other serious illnesses, and to accept the degraded quality of the Nation's parks, waterways, and forests. Those are not things that I am willing to accept and no Member of the Senate should support.

Powerful special interests and their allies who want to overturn the cross-State rule are asking Americans to suffer to save the economy, but their economic arguments fall flat in the face of the evidence. The truth is, nothing will sink the economy more than degrading our environment and poisoning our workforce. Pollution regulations help to lower health care costs, maintain worker productivity, and support local economies through recreational industries. The cross-State rule will have national benefits of up to \$280 billion annually. This dwarfs the annual compliance costs of about \$800 million in 2014, which helps explain why most Americans believe that health-based

pollution standards are essential in safeguarding our families and our economy.

For decades, evidence has shown that pollution limits fuel spending and create jobs in producing, installing and monitoring control technology and emissions. In fact, utilities have already spent \$1.6 billion installing pollution controls to meet current air quality requirements and anticipated requirements under the cross-State rule. Furthermore, powerplants have already achieved more than two-thirds of the pollution reductions necessary to comply with the cross-State standards that go into full effect in 2014. Studies already show that the EPA's proposed air toxics rule and cross-State rule combined will create almost 1.5 million jobs over the next 5 years.

Undoing this rule now will nullify, or potentially even reverse, these important pollution reductions. It will also harm the many businesses that have made investments in clean air technologies, while perversely rewarding those plants that refused to make the sensible, long-term investments required by a rule that is nearly a decade in the making.

Vermont has no coal-fired powerplants, but we do have people suffering with asthma and other respiratory illnesses, and we do have an economy that depends on the health of our environment. In Vermont, we have made, and continue to make, decisions to invest in clean fuels and technologies. We do this because we value good health and family, friends, and the outdoors. We do this to preserve the quality of life a healthy environment provides us. We do this so that future generations have access to clean air and all the benefits that come with healthy, vibrant communities. But without the cross-State rule, we are powerless to fully protect our Green Mountain State.

Reckless decisions regarding public health policy, especially in such a broad manner as this resolution, should not be fast-tracked through the Congressional Review Act process. This resolution goes much too far, putting people permanently at risk by rolling back decades of progress to make the air we breathe safer for each and every American, especially for our children and seniors. The Clean Air Act has a proven record of improving public health, the environment, and our economy. The cross-State air pollution rule is in keeping with that impressive record: These standards are conservatively estimated to produce net benefits exceeding \$100 billion a year. With today's spiraling health care costs, this is a cost-effective way to help control harmful pollution, save lives and foster a healthy environment and economy for future generations. I oppose S.J. Res. 27 and encourage my colleagues to do the same.

Mr. KERRY. Mr. President, I strongly oppose Senator PAUL's resolution of disapproval of the Environmental Pro-

tection Agency's, EPA, cross-State air pollution rule because I believe that it is an extreme measure that is anti-clean air and water, anti-jobs and business, anti-public health, and could potentially prevent EPA from protecting the public from cross-state pollution indefinitely.

EPA finalized the cross-State air pollution rule on July 2011, establishing a cost effective program to reduce sulfur dioxide and nitrogen oxide emissions from coal-fired powerplants that negatively affect citizens in downwind States. The rule updates a 1997 Clean Air Act standard and replaces a 2008 standard that was struck down by the D.C. Circuit Court of Appeals.

Because this rule replaces the vacated rule from the D.C. Circuit Court of Appeals, if this resolution succeeds, by law EPA will not be able to issue a "substantially similar" rule, which means that supporting this resolution could prohibit EPA indefinitely from promulgating any rule to control cross state air pollution. This would be an enormous step backwards.

Contrary to what those who support this Resolution would like you to believe, the cross-State air pollution rule is a very reasonable regulation. By 2014, EPA estimates this Rule will yield up to \$280 billion in annual health and environmental benefits, far outweighing the \$800 million in annual projected costs. EPA worked closely with industry and specifically designed this rule to give powerplants maximum flexibility and keep compliance costs low. Not implementing this rule would mean that local businesses in many Eastern States would have to turn to more expensive, less cost efficient controls to meet air pollution standards.

Also contrary to what those who support this resolution are saying, the cross-State rule would mean more certainty, not less, for business. Powerplants have known this rule was coming for years, and getting rid of it would create serious uncertainty by throwing the issue back to the courts and reopening it to lawsuits. This could mean years of continued uncertainty for companies who won't know what standards they will be held to. The cross-State rule gives power plants the certainty they need.

The cross-State air pollution rule also creates jobs. The University of Massachusetts's Political Economy Research Institute estimates that this rule and EPA's other recent clean air rule—the Air Toxics MACT—together will create nearly 300,000 jobs a year on average over the next 5 years. In fact, thanks to environmental regulations under the Clean Air Act, since 1970, we have created millions of jobs in pollution control and environmental technologies industries, and the United States exports tens of billions of dollars of pollution control technologies annually. Using a term often thrown around these days, Senator PAUL's resolution would be "job killing."

Most importantly, nullifying this rule will have significant and imme-

diate negative public health effects, especially for our children, seniors, and other vulnerable populations. In Massachusetts alone, the cross-State rule it is expected to avoid up to 390 deaths each year and result in up to \$3.2 billion of annual health and environmental benefits. Nationally, by 2014, each year it will prevent up to 34,000 premature deaths, 15,000 nonfatal heart attacks, 19,000 hospital and emergency room visits, 1.8 million days of missed work or school, 400,000 cases of aggravated asthma, and the list goes on.

These are not just statistics; these are real children who have to sit on the sidelines during a soccer game or are up wheezing late at night and making emergency trips to the hospital; laborers who can't finish a shift because of respiratory problems; senior citizens whose quality of life is dramatically diminished because they must be attached to a respirator 24 hours a day; and so many more. I recently heard the story of 6-year-old Mia Murphy in Massachusetts whose mother, Rachael Murphy, lives in fear of her daughter's next asthma attack. Only 6 years old, Mia can have coughing fits that last for hours. It is terrifying for both Mia and her mother when Mia can't breathe. Mia needs to take daily medication to control her asthma, but when she has a flare up, only a 5-day course of high dosage steroids can relieve her symptoms. While these steroid courses help, they also cause Mia to have nightmares and emotional outbursts. For Mia, a normal cold can cause a flareup for weeks. As Mia's mother says, "Children rely on us to keep them safe." All children have a right to clean air. With other citizens in Massachusetts, Rachael has bravely spoken out to support efforts like the cross-State rule to improve the air quality in Massachusetts to help keep her children healthy. Without this rule, Massachusetts and other Northeast and Mid-Atlantic States will not be able to control air pollution in the region at a level that protects the public health of our citizens.

Forty years of the Clean Air Act have proven that environmental protection and economic growth go hand in hand. The American people support the Clean Air Act because they know it has improved our Nation's air quality and protected public health. S.J. Res. 27 would undermine this progress at the expense of America's most vulnerable populations. We cannot in good conscious let it pass.

Mr. LEVIN. Mr. President, I will oppose the motion to proceed to Senator RAND PAUL's resolution that would disapprove of the cross-State air pollution rule promulgated by the Environmental Protection Agency.

EPA's cross-State air pollution rule, also known as "CSAPR," requires reductions of sulfur dioxide and nitrogen oxides that contribute to smog and fine particle pollution in downwind areas. To minimize costs, EPA allows trading

of air pollution permits and also provides flexibility to States for implementing the rule.

The State of Michigan, in particular west Michigan, has air quality problems due to pollution from areas such as Chicago, Milwaukee, and Gary. Poor air quality not only causes a variety of health problems, such as asthma, bronchitis and other respiratory ailments, but also has a detrimental impact on economic development and job creation. It simply makes no sense for a region to be penalized with pollution and requirements that could limit economic growth when the source of pollution comes from outside of that region. For that reason, I support the goal of the EPA rule.

I am pleased that EPA's cross-State air pollution rule is expected to help some Michigan counties meet the national air quality standards for smog and fine particulate matter. However, I am concerned that the rule does not appear to adequately address a number of air pollution problems in west Michigan caused by out of State sources. In 2014, Allegan County is projected to not be able to meet the national air quality standard for smog, even though Allegan County is not the source of the pollution. In fact, a 2009 EPA study concluded that smog levels in Allegan County and other areas in west Michigan are primarily due to transport of smog and smog-forming emissions from other major urban areas outside of Michigan. It is unfair for Allegan County—or any other county—to be penalized due to pollution sources outside of their control. This rule fails to remedy the kind of unfair situation Allegan County finds itself in.

The Rand Paul disapproval resolution would not only overturn the EPA regulation but any substantially similar rule. The rule can be improved, e.g., establishing better linkages between the source of pollution and downwind poor air quality, and adjusting the upwind emission requirements accordingly, but enactment of this resolution would prevent that from occurring.

For these reasons, I will oppose the resolution.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BLUNT. I rise in support of this resolution, a resolution that would allow the Congress to say this is a rule we should not go forward with, the EPA cross-border air pollution resolution of disapproval or the so-called transport rule, which places mandates on powerplants in certain States in order to spare neighboring States from emissions.

The compliance date for this rule is around the corner. It is January 1, 2012. It is an extraordinary time to comply with a rule that the EPA just issued in July. Six months to look at so much of the electric transmission capacity of the country does not make sense to me, and I think will not make sense to utility bill payers once they get their utility bills.

The Clean Air Act says that States are usually left to decide how best to meet new EPA rules, including decisions about compliance time.

By mandating this arbitrary deadline, the EPA will only put more pressure on job creators who are struggling to make ends meet as it is.

Another upcoming mandate from the EPA is the so-called utility MACT rule, a rule that deals with mercury. The combination of this transport rule and utility MACT rule will be devastating for our economy.

In fact, the combined effect of these two rules will cost Americans 1.4 million jobs by 2020, according to a NERA Economic Consulting study—1.4 million jobs. Where will those jobs go? They will go to some country that cares a lot less about what comes out of the smokestack than we do. The problem gets worse, not better.

These two rules will cause electricity rates to skyrocket over 20 percent in some regions of the country, according to the same study. We all remember the President's comments to the San Francisco Chronicle in 2008, where he said that under his policies electricity rates would necessarily skyrocket. The plan appears to be working. But is that the right plan for a country with 9 percent unemployment? Is that the right plan for a country where the No. 1 priority in the private sector is job creation? I don't think so.

Congress roundly and soundly rejected the House-passed—at least the Senate rejected it, and this Congress would reject the House-passed cap-and-trade idea that came from the administration. Now the EPA is trying to circumvent the will of the legislature by imposing cap-and-trade results with things such as the transport rule and the utility MACT rule. Unfortunately, these burdensome regulations will have the impact the President predicted; they will raise utility bills.

Higher electricity rates mean a higher cost of doing business. There is no doubt the higher costs will be passed down to families across America. There is no doubt the higher costs will cost jobs.

If we stand by and allow the EPA to impose these job-destroying regulations, job creators, families, seniors, and small business owners will be hit by a costly tax hike that comes in the utility bill. We should not allow this to happen.

I intend to vote for this proposal that would say this is not going to be a rule that becomes law, and I urge my colleagues to do the same.

REMEMBERING MEL HANCOCK

Mr. President, I wish to talk about a champion for a better and smaller government and an opponent of all job-killing regulations, and, in addition, a good friend and adviser of mine, someone whom many of us served with in the House, Mel Hancock, who was my predecessor in the House, where he served four terms because that was his pledge—that was the most he would serve.

He was much more than a politician. Mel Hancock was truly the "citizen legislator," the individual who got into government only to make government better. Mel learned the ins and outs of the political system and developed a philosophy about taxes and government long before he came to Congress and, frankly, long before that philosophy became the philosophy that is so prevalent today.

Living in rural Stone County, MO, Mel Hancock had a profound influence from his father, John Hancock, and John Hancock spoke about his concerns about a growing and intrusive Federal Government. "The power to tax is the power to destroy," Mel remembered hearing his father say.

Mel didn't hold public office until 1989. He sold farm equipment while in college and spent 10 years in the insurance business, where he became well known to many small business owners. In 1969, he started his own business called Federal Protection, Inc.

In 1977, when proposition 13 passed in California, he became the person who drove that issue in our State. One year later, in 1978, Mel and his wife Sug joined a small group around their kitchen table and formed a group that began to fight the idea of an overregulating, overtaxing government.

In 1980, in our State, voters passed what was called the Hancock amendment. That was one of the first State tax limitation amendments in the United States. Mel Hancock developed this amendment using a formula that limits total State revenue and expenses in Missouri to a percentage of personal income of residents in the State. It also required new local taxes, licenses or fees to be approved by voters in political subdivisions.

His public service didn't stop there. He ran for Congress when our local Congressman retired. He announced his candidacy and won in a crowded primary. As part of that campaign, Mel declared his intention to serve only a brief amount of time. In fact, he went on to be an advocate for term limits for the Missouri State legislature as well.

During his first three terms in the Congress, he served in the minority. But a sea change in 1994 took him to the majority, but it didn't change his pledge to be there only four terms. He got exactly what he wanted in the new Congress—a seat on the Ways and Means Committee. He walked away from that 2 years later, keeping his pledge to Missourians.

As a lifelong Republican, Mel built a reputation that reminded many of another Missourian, as his campaign theme became "Give 'em Mel."

Through his work in Washington and Missouri, he was decidedly ahead of his time. He rolled up his sleeves and went to work, taking the initiative to protect citizens and taxpayers from unrestricted taxes and the power of government, and he always remembered where he came from.

Mel was, first and foremost, devoted to his family, his wife Sug, whom he always called the boss, and his greatest pride was his children—Lee, Lu Ann, and Kim—and later grandchildren. He went right to work here. Mel became part of Washington. He often said that every day in America we decide between more government and less freedom or more freedom and less government. Mel Hancock could be counted on to always be on the side of more freedom.

I didn't go to his memorial service today because I decided the best way to recognize his legacy was to be here and vote against these two rules that he certainly would oppose if he was still in the Congress.

I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. How much time remains on the Republican side and on this side?

The PRESIDING OFFICER. There is 9 minutes 50 seconds on the Republican side, 28 minutes 15 seconds on the Democratic side.

Mrs. BOXER. Thank you. I will use some time on our side until we have another speaker, which will probably about be 5 minutes. I know Senator REID will want to have the floor.

Mr. President, this is a very important vote that is coming up. I wish to put into perspective what we are talking about. In 1997—by my calculation, that is 14 years ago—several States went to the EPA and said their people were suffering because certain States were producing horrible pollution—toxic, dirty pollution—and it was floating right over to their States and then their States had to face the impact of that pollution, which was causing asthma attacks, heart attacks, cardiovascular problems, all sorts of problems and that their State, the recipient of the dirty air, was then expected to clean it up.

I liken that to this: If you had toxic garbage in your house and went and dumped it on your neighbor's front lawn and said now it is your problem. That is not what we believe in America. We believe in responsibility.

But the Paul amendment would say, no, we cannot ask those States that are producing pollution that is floating to other States and harming their people to do anything about it. That is what this rule is about. It is the cross-State air pollution rule. The pollution goes across one State into another. I believe 38 States would be adversely impacted if the Paul resolution were to pass.

Let's look at this. I am not just being rhetorical. The scientists have looked at this. They said that if the Paul amendment were to pass and we repeal this cross-State air pollution rule and States could feel very fine about dumping their pollution in another State, there would be 34,000 cases of premature death, there would be 19,000 emergency room and hospital visits, 400,000 cases of aggravated asthma at-

tacks, and 1.8 million lost work and schooldays, and we would lose up to \$280 billion in annual benefits by 2014.

So anyone who stands in this Chamber and tells us that by voting for the Paul resolution we are helping people, don't fall for it. It is wrong. If anyone comes to this floor and says: Oh, this is about jobs, it is wrong—because if we cannot breathe, we cannot work. Lost days at work are an economic burden. If we turn the clock back, all this great clean-tech economy we have, which is exported to the rest of the world—and it is huge; it employs more than 1 million people—we hurt those jobs. So the Paul resolution, which would cancel out a very important protective air pollution rule that helps our people—that resolution is one of the worst things to come before this Senate.

Let me tell you who backs me on this: The American Association of Cardiovascular and Pulmonary Rehab, the American Association of Respiratory Care, the American College of Preventive Medicine, the American Lung Association, the American Nurses Association, the American Public Health Association, the American Thoracic Society, the Asthma and Allergy Foundation of America, the National Association of Medical Direction of Respiratory Care, the National Association of County and City Health Officials, the National Home Oxygen Patients Association—which sees people gasping for air.

Have you ever seen a child gasp for air? It is something you don't forget. I will show a photo of a beautiful child who is forced to wear one of these inhalers too often because she cannot breathe. We hear lots of things: Oh, we need more time for this. How about the polluters knew about this since 1997? How about since 2005, when they learned the Bush administration rule was too weak—how about that?

I see Senator CARPER. Since we are going back and forth, this would be a good time for Senator LEE to speak. How much time is Senator LEE going to need?

Mr. LEE. About 5 minutes.

Mrs. BOXER. Mr. President, I ask unanimous consent for 5 minutes for Senator LEE, followed by 8 minutes for Senator CARPER.

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

The junior Senator from Utah is recognized.

Mr. LEE. Mr. President, I stand in support of this resolution. I do so for the following reason. Article I, section 1 of the Constitution makes abundantly clear that the legislative power of the United States shall be vested in Congress, which shall consist of a Senate and House of Representatives.

Legislative power is the power to make rules carrying the force of generally applicable law—in this instance, generally applicable Federal law. It was with wise reason that our Founding Fathers entrusted this power to those people entrusted by the citizens

of the respective States for a limited time to make law because they understood that those who have the power to make law have the power to infringe on the individual liberties of the American people, such that whenever they exceed those powers, they can be held accountable to those they represent and on whose behalf they will be legislating.

Every single time we act, we have an effect on the American people. We need to be held accountable at regular intervals for those decisions—every 6 years in the case of Senators, every 2 years in the case of Members of the House of Representatives.

Occasionally, Congress has chosen to delegate that power. For instance, Congress might say we hereby enact the Clean Air Act and give power to the EPA to implement rules and enforce those rules, to make sure we have clean air. To the extent that we do that, particularly where the EPA or some other agency acts in a way that might have a very significant impact on our economy, I think we are selling the American people short of their birthright, which is the guarantee that laws will not be made on their behalf, particularly significant ones such as the one we are addressing today, without those who voted for them being held accountable.

There are great people at the EPA, as there are in every branch and office of our Federal Government. But it is only those people in Congress who are constitutionally authorized to make generally applicable Federal law. It is only these people who stand at regular intervals for reelection, accountable to their people. This is what the Congressional Review Act does. This is why this approach, this resolution under the Congressional Review Act, is so important.

I have heard some of my colleagues suggest this somehow represents an attempt to circumvent the normal legislative process. What I am saying is, this is the normal legislative process. When we are looking at a rule that by the EPA's own estimates could cost as many 3,000 energy sector jobs and could cost the American people \$2.4 billion in compliance costs annually, we need to look seriously at the fact that we need to hold ourselves accountable.

If this rule is a good idea, if in fact this is necessary to protect the American people, if in fact the benefits of this outweigh the costs, then we should be confident. We should be comfortable discussing it, debating it, and passing it into law. That is what we are doing.

I am supporting this resolution because I support the legislative process envisioned and mandated by the Constitution, and I urge each of my colleagues to do the same.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The senior Senator from Delaware.

Mr. CARPER. Mr. President, I am compelled to rise in opposition to this resolution which would block the

EPA's "good neighbor" clean air rule from being implemented.

Before I talk about the real-world impacts that would result if we block this new clean air rule, I would like to go back in time 21 years ago when this body debated the last major update to the Clean Air Act.

That day, we weren't debating how to weaken or delay our clean air laws, we were considering bipartisan legislation that would improve our clean air laws and make them stronger. Eighty-nine Senators approved the Clean Air Act amendments of 1990, a Republican President, George Herbert Walker Bush, signed them into law, and we are all the better for it.

I believe we can protect our environment and grow our economy at the same time. It doesn't have to be one or the other. The Clean Air Act amendments of 1990 are great examples of just that. For every dollar we have spent installing new pollution controls and cleaning up our air, we have seen a \$30 return in reduced health care costs, better workplace productivity, and saved lives. In other words, for four decades fewer people have gotten sick and missed work because of the Clean Air Act.

Just last year, it is estimated that 160,000 lives were saved from the Clean Air Act protections in place today. Here is some more good news. Our economy didn't take a slide because of these protections either. Quite the opposite. Since former President Bush signed the bipartisan Clean Air Act amendments of 1990 into law, electricity rates have stayed constant, and our economy has grown by 60 percent.

Despite the successes, more needs to be done. We know more today than we did 20 or 30 years ago about how pollution impairs our health. We know even more about how pollution travels from one State to another. We know more about how to curb that pollution in ways that make sense and are cost effective.

My State of Delaware has made great strides in cleaning up its own air pollution—investing millions in clean air technology. Unfortunately, air pollution knows no State boundaries and easily drifts from State to State. Delaware, like many east coast States, sits at the end of what I call America's tailpipe. That means most of the pollution in Delaware isn't caused by sources in my State. It is caused mainly by sources in Ohio, Indiana, or other States in the Midwest. In fact, 90 percent of Delaware's air pollution comes from beyond our borders.

As Governor of Delaware, I could have shut down our entire State economy, and we would still have been out of attainment of public health standards. This is pollution we need our neighbors to clean up. Unfortunately, that hasn't always happened.

Sadly, many of our upwind neighbors have not invested heavily enough in new clean air technologies. Some States have even built taller smoke-

stacks so the pollution would fall on neighboring States, keeping their air clean and making our air dirty. At the end of the day, downwind States can spend millions of dollars to clean up their act, but unless we require upwind States to make serious reductions, States like mine would not get much healthier and people will continue to get sick and die.

For all Delawareans and all the others who are living at the end of that tailpipe, I say enough is enough. The EPA and the courts agree. This is why the EPA has implemented this cross-State air pollution rule. This rule follows the intent and the direction of the Clean Air Act amendments of 1990. It ensures that all of us do our fair share to reduce air pollution.

That is the way it ought to be. Like my colleagues, I try to live my life by the Golden Rule, to treat other people the way I want to be treated. That is why this rule is fair. My State and neighboring States shouldn't have to suffer because other States aren't required to clean up their act at our expense.

Furthermore, even if we ignore the fairness and equity arguments for the cross-State air pollution rule, it is still a no-brainer because the cost-to-benefit ratio of these new protections is overwhelming. This rule will save up to 34,000 lives every year. That is roughly the number of people who fit into Fenway Park for a Red Sox game. All these great benefits will be negated if this resolution passes.

To my friends who are thinking about voting for this resolution, let me ask you this: What if the prevailing winds in this country blew instead of west to east, from east to west? What if those of us who live along the east coast, from Virginia to Maine, chose to operate older, dirty coal-fired electric plants? What if we built tall smokestacks that sent the harmful emissions coming from our plants upward into the air to be carried away by the winds from our regions only to end up in the air and breathed by people living in areas to our west? What if by operating these older, dirtier powerplants we lowered the cost of electricity along the east coast while raising it for our neighbors in the Midwest? What if by operating these older, dirtier powerplants we decreased the health care costs associated with dirty air for Americans living along the east coast while increasing health care costs for Americans living in the Midwest?

I will tell you what they would say. They would say it is unfair. They would say we shouldn't be able to get away with polluting their communities year after year. They would say somebody should right this wrong. They would say: Haven't you heard about the Golden Rule; that we should treat all others the way we want to be treated? They would say enough is enough.

Here are the facts. The technology exists to end this scourge of pollution. Utilities all around the country have

already installed it. In doing so, they have put tens of thousands of people to work, including hundreds in my own State of Delaware. The utilities have the money. We have a trained workforce that wants to go to work. We just need to act.

A clean environment and a strong economy can go hand in hand. We don't have to choose between one or the other. Join me in defeating this proposal. Give your neighbors who live in our part of the country—give their kids and their grandparents—air to breathe that would not send them home from school or work or off to the emergency room and into a hospital or worse yet, take their lives.

Please join me and vote no against this motion to proceed to this resolution.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The junior Senator from Texas.

Mr. CORNYN. Mr. President, I yield myself 5 minutes.

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

Mr. CORNYN. Mr. President, Texas has some of the most highly industrialized and populated areas in the Nation, and air quality in these and other areas of the State is improving. We are actually taking very positive steps toward reduction of pollutants. For example, ozone has been reduced by 27 percent across our State since 2000, and nitrogen oxide, a precursor to ozone formation, has been reduced by 58 percent over roughly the same period of time.

But I rise in support of this resolution because it represents regulatory overreach and an abuse of power. This rule, when it takes effect January 1, will significantly harm grid reliability, destroy jobs, and raise electricity prices for consumers living on a fixed income and for businesses we are depending upon to create jobs in our country.

The reason this rule is an abuse of power as regards to the State of Texas is that we were not included in the rule when the Environmental Protection Agency first proposed it. Suddenly, miraculously, we were included in the final rule. Having less than a year ago concluded that Texas emissions have no significant downwind effects, the EPA has reversed course and included us in this rule without the opportunity to challenge the claim.

Without fair notice, the EPA has mandated that Texas slash its SO<sub>2</sub> emissions by half and greatly reduce NO<sub>x</sub> emissions in less than 5 months—an unprecedented and impossible timetable with which to comply. The standard timeframe for permitting and constructing and installing new emissions controls is several years. But as a result of this abuse of power by the Environmental Protection Agency, and without due process and fair notice and the opportunity to be heard, this rule is being imposed on my State.

Already, one power producer has announced that 500 jobs will be lost. The integrity of our State grid is at risk. Our grid operator has said as a result of the unprecedented heat wave and the historic drought Texas has been experiencing, if we had had these rules in place last summer we would have experienced rolling outages during August, when people were relying on their air conditioners to deal with triple-digit temperatures. This would have meant rolling blackouts, businesses forced to cut back, hardships—even to the threat of safety—for many of our senior citizens.

I visited some of those seniors in Houston, TX, recently, and, of course, many of them are on a fixed income. They can't afford to pay more for their electricity bills. They are struggling to pay their bills right now, and they sure don't want to have to experience the potential hardship or public safety hazard of having a brownout or a blackout or outage should they need their heat during the winter or their air-conditioning during the summer.

The EPA has said: Well, we got it approximately right, but we are going to make some revisions. But revisions are not enough. The EPA recently corrected errors from modeling assumptions and corresponding emissions budgets for several of the States under the rule, but other mistakes remain.

Haste makes waste, Mr. President. We know that is true. Why can't the EPA do it the right way? Give us some time, notice, and opportunity to be heard so we can get this done right.

The EPA overestimates base generation capacity for our grid by 20,000 megawatts. This includes 100 percent of the installed wind generation in Texas—as though wind power is always available. Our electric grid derates wind generation to 8.7 percent due to its unpredictability and reliability as a generation source. Put, simply, the wind does not blow 24 hours a day, 365 days a year. This estimate also includes powerplants that are currently retired and mothballed.

So the EPA got it wrong. But when we say: Please, give us a chance to show you the facts and to show you the science that would help make our air more clean but not kill jobs and create hardship for our senior citizens and those on fixed incomes, their answer is, tough luck, tough luck.

Our only recourse, Mr. President, is to support a resolution such as this one because we cannot get fundamental fairness from this agency of the Federal Government when it comes to my State. So I support the resolution.

Mr. President, I yield the floor, and I reserve the remainder of our time.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, how much time remains on each side?

The PRESIDING OFFICER. The Republicans have 1½ minutes, and the Democratic side has 16 minutes 10 seconds.

Mrs. BOXER. Mr. President, we have heard the same theme over and over from our Republican friends: We need time, give us time. The EPA is rushing this.

Well, how much time do they need to fix a problem that is forcing children to put on these inhalers? How much time do they need to enforce a rule that is keeping people from dying prematurely; that is keeping them from getting heart attacks?

Here is the deal. In 1997, several States went to the EPA and said: Something is really wrong. We have kids like this gasping for air, and the air pollution isn't coming from our State. It is coming from the States to the west of us.

Now, I want to make it clear that my State of California doesn't have a dog in this fight. We are not involved in this. We don't pollute. We don't have a lot of coal-powered plants. And we are in the far west. Frankly, having that ocean along our State helps us. We have plenty of air pollution, but we are not getting it from another State to our west. So I stand here speaking, frankly, as a Senator who cares about clean air, who cares about the public health, and who also sees this as a moral issue.

I have said this every way I can say it. It is immoral to take poison and put it on someone else's front yard. It is immoral to walk away from your responsibility, particularly if you have a truck to put it in and take it away.

Well, we have the technology to make cleaner utilities, to make cleaner power. And as my friend TOM CARPER so eloquently stated, clean tech creates jobs.

We have the technology. We have the ability to create jobs cleaning up the environment. We have an ability to make sure fewer children, such as this beautiful child, don't have to resort to inhalers if we clean up our powerplants, and we have the ability to do that. The other side is crying, We need time. That is all we need, we need time. Well, I think 14 years is enough time.

Then in 2005, the courts said again how important it was to do this. So they knew about this in 1997, they knew about it in 2005, and now they are crying bitter tears and they want to continue to dump poison in States next door. This is just the tip of the iceberg of the Republican Party's desire to repeal important health and safety regulations. The American people do not agree with it.

Let me show you a poll that was taken last month in terms of where people stand. This cross-State air pollution rule is very popular with the people of this country because they see very clearly. I think when we were kids our moms always said, clean up your room. You know, you owe it to the rest of the family, clean up your room. Polluters have to clean up their room. Polluters can't pollute at will and, as Senator CARPER said, build these big

smokestacks and blow that pollution over to, in this case, 38 other States and hurt the people in those States. That is not the American way. What Senator PAUL is doing is the height of irresponsibility.

I want to put back the picture of that child again.

How is it responsible to allow the pollution to go on and on and on when you have the technology developed to stop it, and when it is moving out of your State and going to another State and harming children?

Mr. DURBIN. Would the Senator from California yield for a question?

Mrs. BOXER. I would be happy to yield.

Mr. DURBIN. First, I wish to thank the Senator for her leadership on this issue, and I wish to direct a question through the Chair.

I noticed earlier that Senator PAUL, who is asking for us to basically eliminate the standard of protection when it comes to air pollution that crosses State boundaries, if I am not mistaken, his resolution would eliminate the standard.

Mrs. BOXER. It would.

Mr. DURBIN. There would be none. And if I am not mistaken as well, he has said on the floor this has no direct impact on asthma and pulmonary disease, even producing a chart to that effect.

I wish to ask the Senator from California—because I visited an emergency room hospital, one of the children's hospitals in Chicago, and the emergency room physician said to me, Do you know what the No. 1 reason is that children show up in emergency rooms? And I said, Fall off their bicycles? Trauma? No. Asthma. Asthma.

She said, Senator, I will have young people come into this emergency room who are fighting for breath, saying, I am asthmatic and I can't breathe, and I watch as they die in front of me. That is the reality of asthma. This isn't just an inconvenience; it is life threatening.

I wish to ask the Senator from California on what basis could any Senator say there is no connection between air pollution, soot, and the particles in the air, and pulmonary disease and asthma?

Mr. PAUL. Senator, I would be happy to answer that question.

Mr. DURBIN. I directed the question to the Senator from California. I don't know what the timeframe is, but I am happy to have her response.

Mrs. BOXER. I will respond on my time; the Senator can respond on his.

Let me tell you something. As far as I know, we do not have one person in this Senate who is a physician with a degree in lung specialty, thoracic specialty, cardiovascular specialty; therefore, we need to look to those people.

You are right. When you go to the hospital and talk to physicians, they will tell you about children dying in their arms. I have seen that testimony, I have heard it in front of our committee. The fact is, this rule will prevent 400,000 cases of aggravated asthma

attacks and 1.8 million lost work and school days. This is factual.

I want to say that hearing people come on this floor questioning whether there is an association between soot in the air and asthma attacks, frankly, is to me unimaginable. And we have all of the health organizations that disagree with Senator PAUL on that.

Mr. DURBIN. I wish to ask another question through the Chair of the Senator from California.

Two weeks ago, I went to the University of Illinois Children's Hospital. A woman came there who had been suffering from asthma her entire life and talked to me about how there were days when the air was so bad, she couldn't go outside, children there with their parents and doctors telling me exactly the same thing. Yet those who are trying to repeal this air safety rule—Senator PAUL and those who support him—are arguing these doctors and patients are wrong. So I wish to ask the Senator, because she was alluding to it here, what kind of medical support do you have for your position that Senator PAUL's amendment, if it passes, will endanger the lives of those who are currently suffering from asthma, pulmonary disease, and maybe cardiovascular disease? And tell me what medical groups have come forward on one side or the other, please.

Mrs. BOXER. Absolutely. I don't know of any medical groups that support the Paul resolution. But I do have in my hand a letter signed by many groups, which I wish to quote from.

I ask unanimous consent to have printed in the RECORD this important letter Senator DURBIN is speaking of.

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

NOVEMBER 4, 2011.

DEAR SENATOR: Our organizations write to express our strong opposition to S.J. Res. 27, a resolution by Senator Rand Paul that employs the Congressional Review Act to reverse the Environmental Protection Agency's (EPA) final Cross-State Air Pollution Rule (CSAPR). If enacted, S.J. Res. 27 would vacate CSAPR and the lifesaving protections it provides to the public and bar EPA from reissuing any substantially similar clean air protections without express Congressional authorization.

CSAPR requires power plants to substantially reduce emissions of sulfur dioxide and nitrogen oxides that contribute to life-threatening particulate matter and ozone air pollution in downwind states. Ozone and particulate matter are associated with numerous adverse health effects, including lung disease, irreversible reductions in lung function, asthma attacks, aggravation of other respiratory and cardiovascular diseases, and premature death. EPA estimates that CSAPR will prevent up to 34,000 premature deaths, 400,000 asthma attacks, 15,000 heart attacks, and 19,000 hospital visits each year starting in 2014.

The rule covers emission sources in 28 states. It was developed after an earlier rule, known as the Clean Air Interstate Rule was deemed illegal and an insufficient response to the health threats posed by cross-state pollution. CSAPR provides much-needed public health benefits by reducing upwind air pollution that significantly contributes to

ozone or particle pollution in downwind areas. Blocking CSAPR, S.J. Res. 27 would force people living in downwind states to continue to suffer from high levels of unhealthy pollution from out-of-state power plants.

A vast majority of the public opposes Congressional interference with EPA's implementation of the Clean Air Act. According to a nationwide, bipartisan study conducted for the American Lung Association, seventy-two percent of voters oppose Congressional action blocking EPA from updating clean air standards. Sixty-six percent of voters think the EPA should set pollution standards, not Members of Congress.

We urge you to vote "No" on S.J. Res. 27 and similar attacks on CSAPR. The public health benefits of CSAPR are long overdue. We hope your constituents can count on you to protect their health in the face of efforts to block, delay and weaken these lifesaving protections.

Sincerely,

American Association of Cardiovascular and Pulmonary Rehabilitation, American Association of Respiratory Care, American College of Preventive Medicine, American Lung Association, American Nurses Association, American Public Health Association, American Thoracic Society, Asthma and Allergy Foundation of America, National Association for Medical Direction of Respiratory Care, National Association of County and City Health Officials, National Home Oxygen Patients Association Trust for America's Health.

Mrs. BOXER. Blocking the cross-air pollution rule, cross-State pollution rule would force people living in downwind States to continue to suffer from high levels of unhealthy pollution from out-of-State powerplants. They say they express their strong opposition. They say ozone and particulate matter are associated with numerous adverse health effects, including lung disease, irreversible reductions in lung function—irreversible.

So it is not as though you have a bad day and you are gasping for air, and suddenly the next day it comes back. Irreversible reduction in lung function. Asthma attacks. And, by the way, we are told there will be 400,000 cases of aggravated asthma attacks if we go back on this rule. Aggravation of other respiratory and cardiovascular diseases. And, I would say to the Senator, they add premature death. Here they are saying 34,000 cases of premature death. I will give you a few of the names of the people who signed this.

I am so glad the Senator came down here. He has been such a great leader on these issues and, I want to say for the record, led me and so many others, the majority of the House, in saying no more smoking on airplanes. And, boy, we remembered how it was in those days, and I know the Senator's personal experience with lack of lung function and his own dad. So the Senator coming over here today is very appreciated. I will give you the names of some of these organizations.

Mr. DURBIN. I am glad the Senator entered it in the RECORD. If the Senator will yield for one more question.

Mrs. BOXER. I will.

Mr. DURBIN. It seems to me that the Republican argument from Senator

PAUL comes along two lines. First, air pollution doesn't hurt, so don't be worried if there is more of it. And what we have is medical evidence and testimony from the experts he is wrong. I don't know if he presented any doctors—I would love to know—who support that position, that air pollution doesn't cause problems. We know it does. It stands to reason it does. Medical and human experience tells us.

The second argument that he is making, if you can get past the first, is this is how we are going to create jobs in America. On 168 separate occasions, the Republican-led House of Representatives has sought to repeal those environmental protections of our air and the safety of the water we drink, and they have bragged about it, saying when we get rid of all of these standards on air and water pollution, more Americans will go to work.

I wish to ask the Senator from California to respond, because the way I see it, if the Paul resolution passes, sadly, the people who will go to work are those who work in emergency rooms, those who work to make nebulizers for those suffering from asthma, and people who make oxygen tanks. I am sorry to say this but that is the reality. If you ignore the health consequences, the jobs created will be to treat those who are going to be afflicted by pulmonary disease because of this eradication of a standard.

I wish to ask the Senator from California, talk to me about job creation and pollution.

Mrs. BOXER. Absolutely. Well, first of all, I want people to know that since the Clean Air Act passed and there were all these predictions of a horrible recession, there has been a huge number of jobs created and it is all documented on one of these charts here. I can tell you, our GDP rose more than any other industrialized nation in the world as we cleaned up the air.

The Senator and I were on a trip to China. We did not see the Sun for days and days and days. I don't know if you missed this or caught this story in the New York Times. The Chinese elites in the government—many of whom we met with there to try to push our agenda, which is trade with China and all the other things we want and making sure their currency is floating—this is what we learned:

Chinese leaders are largely insulated from Beijing's famously foul air.

In the Great Hall there they have all these fabulous clean air devices. In their homes they are protected, in their cars they are protected. But guess what. The people are suffering and struggling. They don't even get to see the Sun shine there. If I could say, I don't want to see elitism here. Every single person in our country deserves to have a chance to breathe clean air.

To get specifically to the point, to talk about the economy—because I think that is critical—Senator PAUL's resolution is bad for this economy. It is bad for jobs. It is bad for our families.

That is why it is opposed by every health professional.

Let me say this. We are talking about 400,000 cases of aggravated asthma attacks if this resolution passes. We are talking about 34,000 cases of premature death.

I want to make a point here. If you are the head of household and you die prematurely because of filthy, polluted, poisonous air that is floating in from another State, you can't work and your family is in deep trouble. I will tell you this, the annual benefits by 2014—annual, of this rule—are estimated to be \$280 billion a year. So if anyone stands up here and says we are fighting for jobs, we are fighting for the people, we are fighting for the economy by rolling back clean air rules, don't believe it for a minute. If you don't want to listen to me or Senator DURBIN, listen to the people I know you respect, from the American Association of Cardiovascular Rehabilitation, the American College of Preventive Medicine, the American Lung Association, the American Nurses Association. Those nurses have held those babies.

How much time remains on our side?

The PRESIDING OFFICER. The Senator has 5 seconds.

Mrs. BOXER. I hope we vote down this resolution.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time? The junior Senator from Kentucky is recognized.

Mr. PAUL. Mr. President, I rise in support of clean air, clean water, electricity, and jobs.

Interestingly, the other side hasn't read the EPA v. North Carolina opinion that says the regulations were not overturned. We are arguing for keeping in the current regulations. We are just arguing that we not be overzealous and that we not add \$2 billion in new regulations on top of the current regulations.

We have \$2 trillion worth of regulations heaped on our economy, 14 million people out of work—2 million new people out of work since this President came into power. We cannot allow this administration to continue with its job-killing regulations.

We can have a clean environment and we can have jobs. We are arguing for the existing regulations. We are arguing against placing additional burdens. We are arguing for the existing regulations. They don't seem to get it, so they make up all these numbers. All of their numbers are completely fictitious because they don't account for the current regulations that would still be in place if we don't increase these regulations.

This is about whether we can have a balanced approach in our society, whether we can have a clean environment and have jobs. What I am arguing for here is some reasonableness.

The PRESIDING OFFICER. The time of the Senator has expired.

DISAPPROVING THE RULE SUBMITTED BY THE FEDERAL COMMUNICATIONS COMMISSION WITH RESPECT TO REGULATING THE INTERNET AND BROADBAND INDUSTRY PRACTICES—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed to S.J. Res. 6, which the clerk will report.

The bill clerk read as follows:

Motion to proceed to the consideration of the joint resolution (S.J. Res. 6) disapproving the rule submitted by the Federal Communications Commission with respect to regulating the Internet and broadband industry practices.

The PRESIDING OFFICER (Mrs. HAGAN). Under the previous order, there will be 5 minutes of debate equally divided between the two leaders or their designees.

Who yields time? If no one yields time, time will be charged equally to both sides.

Mr. LEAHY. Madam President, a bedrock principle of the Internet is that consumers should be able to access the lawful Internet content of their choice without service providers discriminating based on the source of the content. This has allowed the online marketplace to evolve into the vibrant and competitive system that we are all accustomed to today. Last December, the Federal Communications Commission took action to promulgate "network neutrality" rules, which are set to go into effect later this month. These are rules that will create transparency and foster competition. I oppose the resolution being considered by the Senate today that disapproves of the Commission's actions in this area.

Many Americans have either no choice or a limited choice of broadband service providers. This is particularly true in rural areas like Vermont. This lack of competition in the market raises the threat of providers discriminating against certain lawful Web sites and Internet content. Net neutrality rules are crucial in ensuring that the Internet remains the ultimate free marketplace of ideas, where better products or services succeed on their own merits and not based on special financial relationships with providers.

Congress and the executive branch must take steps to ensure that competition on the Internet is vibrant. This has taken on new importance as the Internet has become increasingly central to our lives. The online marketplace is going to be a key driver of the 21st century economy, and implementing net neutrality rules now, while it is still growing, will ensure that the online marketplace will continue to be dynamic well into the future.

The Judiciary Committee held hearings on this issue several years ago, and it is an issue in which I have been interested. I was an original cosponsor of the Internet Freedom Preservation

Act in both the 109th and 110th Congresses. That bill would have gone even further to preserve an open Internet than the actions taken by the FCC last year. I will remain a strong supporter of strong and responsible net neutrality regulations in the Senate, and I oppose the resolution being considered today.

Ms. AYOTTE. Madam President, I rise today in support of S.J. Res. 6, the FCC Internet and broadband resolution of disapproval. There are so many reasons to support this resolution and oppose the FCC's rulemaking on net neutrality.

I could focus on regulatory overreach, the lack of cost-benefit analysis to justify this rulemaking, consistent court rulings showing the lack of FCC legal authority to implement net neutrality or even the aggressive nature of this administration to regulate at all costs.

However, today I would like to talk about the most important reason to support this Resolution in opposition of net neutrality—jobs.

Last year, the telecommunications industry invested over \$65 billion in our domestic economy. These billions of dollars go toward infrastructure, network expansion, and continual upgrades, all of which will drive job creation in a growth sector. For every billion dollars invested, there is a direct correlation to 3,400 created jobs.

What is at stake in this debate is nothing more than the government trying to take over the Internet in a misguided attempt to regulate a dynamic industry into a static platform. This approach will stifle innovation.

If companies are devoting \$65 billion a year to building out their networks, but do not have the ability to control and manage their investments, then they are going to stop investing tens of billions of dollars into their product. It really is that simple. No company is going to continue to invest at such a fast rate if they will be forced to cede partial control over to government regulators.

In a down-economy, telecommunications has been one of the few bright spots. Why? Because of a light-touch, hands-off regulatory approach. Now the FCC is pursuing a political agenda by attempting to undermine the industry. The FCC has not won in the courts or through the legislative process in Congress, so it has resorted to expanding the regulatory process.

According to a 2010 study entitled "The Economic Impact of Broadband Investment," 434,000 jobs have been created in the broadband industry in the past decade, and in the next 5 years, we can expect over 500,000 additional jobs to be created.

To help protect these jobs, we must stop this government over-reach. IT investment accounts for 47 percent of all U.S. nonstructural investment and as I mentioned, the job creation from this is a bright spot in our economy. We must continue the hands-off approach