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## Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, our sustainer, it is time to pray and, in the silence of this moment, examine our hearts. Lord, You know our thoughts and see where we fall short of Your glory. Restore us to Your purposes as You lead us in the path everlasting.

Search the hearts of our Senators. You know the struggles that confront them, the things they wrestle with, the things that irritate and gnaw at them and cause them to abandon trust in You.

O God, You know us better than we know ourselves. Search our hearts and give us Your peace.

We pray in Your loving Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, June 20, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

DANIEL K. INOUE,  
President pro tempore.

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### FLOOD INSURANCE REFORM AND MODERNIZATION ACT—MOTION TO PROCEED—Resumed

Mr. REID. Madam President, I move to proceed to Calendar No. 250, S. 1940.

The ACTING PRESIDENT pro tempore. The clerk will report the motion.

The assistant legislative clerk read as follows:

Motion to proceed to calendar No. 250, S. 1940, a bill to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes.

### CLOTURE MOTION

Mr. REID. Madam President, I have a cloture motion at the desk I wish to be reported.

The ACTING PRESIDENT pro tempore. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the motion to proceed to Calendar No. 250, S. 1940, An original bill to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes.

Harry Reid, Tim Johnson, Al Franken,  
Patrick J. Leahy, Christopher A.

Coons, Tom Harkin, Barbara A. Mikulski, Kent Conrad, Robert Menendez, Jack Reed, Barbara Boxer, Ben Nelson, Michael F. Bennet, Max Baucus, Mark Begich, Richard Blumenthal, Kay R. Hagan.

Mr. REID. Madam President, I ask unanimous consent that the mandatory quorum required under rule XXII be waived.

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

### SCHEDULE

Mr. REID. Madam President, following leader remarks today, the Republican leader will move to proceed to S.J. Res. 37. Following that motion; that is, the one Senator McCONNELL will make, the time until 11:30 a.m. will be equally divided between the two leaders or their designees, with the Republicans controlling the first 15 minutes and the majority controlling the next 15 minutes, and I have designated that Senator ROCKEFELLER will take that 15 minutes. At 11:30 a.m. the Senate will proceed to vote on the motion to proceed to S.J. Res. 37. If the motion to proceed is not agreed to, the Senate will then resume S. 3240, the farm bill, and the votes in relation to amendments that remain in order to the bill. So Senators should expect a long day of voting, starting at 11:30 a.m.

Madam President, we did extremely well yesterday. We were able, as indicated last night, to even turn in votes earlier because everyone was here. There are lots of events going on in the Capitol today, but we are going to have to stick to our business at hand and make sure we get through this long list of amendments because we are going to have to finish this and the flood insurance legislation before we leave here this week. That is a large assignment. We have to do that.

### UNANIMOUS-CONSENT AGREEMENT—S. 3240

Madam President, I ask unanimous consent that with respect to any amendments voted on during Tuesday's

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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session, where motions to reconsider were not made, that the motions to reconsider be considered made and laid upon the table.

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

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

### DISAPPROVAL OF EPA EMISSION STANDARDS RULE—MOTION TO PROCEED

Mr. MCCONNELL. Madam President, I now move to proceed to S.J. Res. 37.

The ACTING PRESIDENT pro tempore. The clerk will report the motion.

The assistant legislative clerk read as follows:

Motion to proceed to calendar No. 430, S.J. Res. 37, a joint resolution to disapprove a rule promulgated by the Administrator of the Environmental Protection Agency relating to emission standards for certain steam generating units.

U.S. SENATE,

Washington, DC, June 19, 2012.

#### DISCHARGE OF FURTHER CONSIDERATION

We, the undersigned Senators, in accordance with chapter 8 of title 5, United States Code, hereby direct the Senate Committee on Environment and Public Works be discharged of further consideration of S.J. Res. 37, a resolution on providing for congressional disapproval of a rule submitted by the Environmental Protection Agency related to emission standards for certain steam generating units.

John Boozman, David Vitter, John Cornyn, Jon Kyl, Pat Roberts, James M. Inhofe, Johnny Isakson, Tom Coburn, John McCain, Mike Lee, Patrick J. Toomey, Marco Rubio, John Thune, John Barrasso, Thad Cochran, Jim DeMint, Roy Blunt, Richard Burr, Rand Paul, Jerry Moran, Rob Portman, Michael B. Enzi, Lisa Murkowski, Daniel Coats, Saxby Chambliss, Roger F. Wicker, Orrin Hatch, Kay Bailey Hutchison, Jeff Sessions, Mitch McConnell, Ron Johnson, Mike Johanns, James E. Risch, John Hoeven, Richard Shelby.

The ACTING PRESIDENT pro tempore. The Republican leader.

Mr. MCCONNELL. Madam President, it has become pretty clear over the past few months that President Obama now views his job as the deflector-in-chief. No longer content to lay all the Nation's problems at the feet of his predecessor, he has taken to creating controversies out of whole cloth. Whether it is a manufactured fight over student loan rates or the so-called war on women, the goal is as clear as you can imagine: get reporters to focus on these things, and maybe the rest of the country will as well; get them to focus on anything other than the President's own failure to turn the economy around, and maybe he can squeak by without folks noticing it. That is the

plan at least and, frankly, it could not reflect a more misguided view of the American people. They know who has been in charge the past 3½ years, and the fact that the President has had a tough job to do does not mean he gets a pass on how he has handled it or on the solutions he has proposed.

Most Americans do not like either one of the President's two signature pieces of legislation—ObamaCare or the stimulus. They are not particularly thrilled about seeing America's credit rating downgraded for the first time ever. They are scared to death about a \$16 trillion debt, trillion-dollar deficits, and chronic joblessness. And many, including myself, are deeply concerned about this administration's thuggish attempts to shut its critics right out of the political process. These are the kinds of things Americans have been telling us for 3 years that they are worried about, and we are not about to be drawn into some rabbit hole so the President does not have to talk about them. We are going to stay focused on all of these things—not because of some political advantage but because the American people demand it. So the President can come up with the excuse de jour, but we are going to talk about jobs, we are going to talk about the deficits and debt, and we will talk about the Constitution.

When it comes to jobs, let's be clear. This administration has been engaged in a war on the private sector, and in many cases it has used Federal agencies and a heavyhanded regulatory process to wage it largely out of view. We got a vivid confirmation of this when an EPA official was caught comparing the EPA's enforcement approach to the Roman use of crucifixion. Brutalize a few offenders, he said, and the rest will be scared into submission.

Call me naive, but I think most Americans think the government should be working for them, not against them. I think most Americans think the Federal Government should be working to create the conditions for Americans to prosper, not looking for any opportunities to undercut free enterprise. Yet that is what we see—an administration that always seems to assume the worst of the private sector and whose policies are aimed at undermining it. And nowhere is it more clear than at EPA.

That is why I support Senator INHOFE's ongoing efforts, including a vote today, to push back on the EPA, which has become one of the lead culprits in this administration's war on American jobs. Senator INHOFE is focusing on just one regulation out of the many that are crushing businesses across the country—the so-called Utility MACT, which would cost American companies billions in upgrades, but for their competitors overseas, of course, it would cost them nothing. This regulation would expand the already massive powers given to the EPA by increasing redtape and costing the taxpayer over \$10 billion each year. In my

State of Kentucky, it threatens the jobs of over 1,400 people working in aluminum smelter plants, as well as approximately 18,000 coal miners, not to mention those engaged in industries that support these jobs.

Kentucky Power, operator of the only coal-burning powerplant in my State, recently conceded defeat in this fight after the EPA demanded upgrades to its plants at a cost of nearly \$1 billion, raising the typical residential customer's monthly electric bill by a whopping 30 percent. At that price, it is no wonder the plant found the new regulations completely unworkable. The EPA may have won this battle, but the real losers are more than 170,000 homes and businesses spread out amongst 20 eastern Kentucky counties that depend on the Kentucky Power plant for their energy.

The proponents of the Utility MACT say it is needed to improve air quality. What they cannot tell you is what these benefits would be or the effect of leaving the plants in their current condition. Look, we all support clean air, but if we waded through every regulation that promised to improve air quality without regard for its actual impact, we would not be able to produce anything in this country.

What we do know is that a substantial amount of the electricity we produce in this country comes from coal, and this new regulation would devastate the jobs that depend on this cheap, abundant resource. This is just one battle in the administration's war on jobs, but it has a devastating consequence for real people and real families in my State and in many others. The administration's nonchalant attitude about these people is appalling, but this is precisely the danger of having unelected bureaucrats in Washington playing with the livelihoods of Americans as if they are nothing more than just pieces on a chessboard.

The media may continue to chase whatever issue the President and his campaign decide to fabricate from day to day, but these are the facts behind this President's devastating economic policies, and that is why it is a story the President would rather the media ignored. Well, Republicans are not going to ignore it. We are going to keep talking about the President's policies. So I commend Senator INHOFE for keeping us focused on this particular policy that is devastating to so many Americans.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 11:30 a.m. will be equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first 15 minutes and the majority controlling the second 15 minutes.

The Senator from Oklahoma.

Mr. INHOFE. Madam President, in our first round, we are going to yield to