

On September 23, 2011, CBO transmitted a cost estimate for H.R. 2594, the European Union Emissions Trading Scheme Prohibition Act of 2011, as ordered reported by the House Committee on Transportation and Infrastructure on September 23, 2011. The two bills are similar, and the CBO cost estimates are the same.

The CBO staff contacts for this estimate are Megan Carroll (for federal costs) and Amy Petz (for the impact on the private sector). The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

Mr. THUNE. Additionally, at a recent Commerce Committee hearing on my bill, Secretary LaHood was asked if any possible action of implementation could "include the U.S. government paying EU authorities directly or compensating the operators for any fines incurred for non-compliance with EU ETS."

He responded, "We have absolutely no intention of asking the U.S. taxpayer to pay any ETS fines incurred for non-compliance with EU ETS, directly or indirectly."

I appreciate Senator CARDIN and LAUTENBERG for coming forward and working with me to clarify this point, and I thank them both for releasing their hold.

I am happy that we have been able to come to a bipartisan agreement on my bill and look forward to final passage today in the Senate and hopefully soon by the House of Representatives so we can send a clear message to the EU that ETS is arbitrary, unfair, and a clear violation of international law.

Mr. CARDIN. I appreciate the Senator clarifying his intent, and I am glad he shares my concern.

I believe my amendment helps make the intent of the legislation clear.

My amendment adds a third paragraph to subsection (a) of section 3 of the bill.

The amendment will explicitly exclude any appropriated funds or user fee receipts to be expended on actions taken under the hold harmless clause.

This amendment will ensure that any taxpayer dollars, either through appropriations or through user fee receipts, are expressly prohibited from supporting actions resulting from the held harmless clause of the bill.

Would my colleague agree that my amendment assures that no U.S. taxpayer dollars will be expended on any held harmless actions that may result from this bill?

Mr. THUNE. Yes.

Mr. CARDIN. I thank the Senator for his cooperation with me on this important fiscal matter.

I want to make it clear to my colleagues, as this bill progresses forward or is reconciled with a less thoughtful House proposal, I do want my colleagues to understand that should the Senate have to reconsider a different proposal in a conference report that I intend to reserve my right to object.

I also want my colleagues to understand that I feel that the United States and countries around the globe must take actions to address the threat car-

bon emissions pose to the global environment.

I think there are some legitimate concerns with the way the EU has proposed to take unilateral actions to reduce carbon emissions from the aviation sector.

I don't fault the EU for their leadership in the face of what has thus far been nearly 15 years of failed multinational negotiations on how we as co-operating nations should be reducing or mitigating aviation carbon emissions.

I would like for the United States to take greater action to address this problem, and in many respects I think it is unfortunate that the United States has not demonstrated the same kind of leadership that the nations of Europe have taken on this issue.

#### HUMANITARIAN CATASTROPHE IN SUDAN

Mr. BOOZMAN. Mr. President, I rise today to highlight the following letter written by over 60 genocide scholars, including Dr. Samuel Totten of the University of Arkansas. Their letter urges the Obama administration to do more to end the humanitarian catastrophe occurring in South Kordofan and Blue Nile States of Sudan.

Last summer I joined a group of bipartisan Senators in making a similar request of the administration. Unfortunately, humanitarian aid to South Kordofan and Blue Nile continues to be severely limited and the violence has not ceased.

I applaud the authors of this letter for their continued advocacy to ensure that another genocide does not occur in Sudan, and I ask unanimous consent that it be printed in the RECORD.

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

AUGUST 31, 2012.

To: President Barack Obama; Secretary of State Hillary Clinton; Ambassador to the United Nations Susan Rice; Special Assistant to the President Samantha Power.

From: The Undersigned Genocide Scholars  
Subject: Humanitarian Catastrophe in South Kordofan and Blue Nile States of Sudan  
DEAR PRESIDENT OBAMA, SECRETARY OF STATE CLINTON, AMBASSADOR RICE AND SPECIAL ASSISTANT POWER: On June 6, 2011, the Sudanese regime, led by indicted war criminal Omar al-Bashir, unleashed a wave of targeted ethnic killings against the people of the Nuba Mountains in South Kordofan state, Sudan. Since then this state-sponsored violence has spread to engulf much of South Kordofan and Blue Nile states.

The continuing multiple atrocities amount to at least crimes against humanity. This, in and of itself, is alarming. According to the tenets of the Responsibility to Protect now is the time to protect the targeted population.

Satellite imagery has revealed mass graves, razed communities, and the indiscriminate low altitude aerial bombardment of civilian areas in South Kordofan state. Reliable eyewitnesses continue to report systematic government shelling and bombing of refugee evacuation routes, helicopter

gunships hunting civilians as they flee their homes and farmland to hide in caves, and a deliberate and widespread blockage of humanitarian aid into South Kordofan and Blue Nile states. Anecdotal evidence of perpetrators screaming racist slurs as civilians are killed and raped are familiar to anyone who knows what has been happening in Darfur since 2003.

Sufficient evidence exists for us to believe the Sudanese regime is attempting to annihilate those whom the government suspects of supporting the Sudan People's Liberation Movement-North's (SPLM-N) aims. Hence many local people are automatically targeted regardless of their true political affiliations.

Hundreds of thousands of Sudanese remain trapped in South Kordofan, the victims of forced starvation, unable to farm their land. This critical situation largely mirrors what the same regime perpetrated in the 1990s, a case of genocide by attrition.

Meanwhile in Blue Nile state, a scorched earth campaign by government forces has forced the SPLM-N to retreat, leaving tens of thousands with no protection from the perpetrators.

As genocide scholars we have a solemn responsibility to educate the public about the horrors of the past in the hope of creating a future free of such crimes. We are the keepers of the chapters of human history that are difficult to confront, casting a dark shadow on all of humanity. We study the past to find ways to prevent such egregious actions in the future. We exist to remind the world of humanity's capacity to commit genocide anywhere and against any group of people.

It is because of that responsibility that we write to you. We call on you to fulfill your responsibilities as global leaders when it comes to confronting mankind's most terrifying of crimes.

Although we welcome your efforts to aid the refugees who have found their way to camps in South Sudan, we must point out that as world leaders you have the moral authority granted by the UN's unanimous 2005 declaration of the Responsibility to Protect to demand delivery of aid to those inside Sudan. As guarantors of the Comprehensive Peace Agreement signed that same year, moreover, you have not fulfilled your legal and moral obligation to sanction violators of that agreement.

The Sudanese regime continues to slaughter its own civilians, while denying them access to aid and in defiance of various international treaties and conventions it has signed, not to mention the Sudanese constitution.

The Tripartite Agreement signed on 4 August 2012 in Addis Ababa, called upon the Government of Sudan to allow humanitarian access to all areas of the Nuba Mountains and the Blue Nile state dependent on certain conditions. Yet the Bashir regime's track record leads us to fear it will interfere with aid delivery to those in most need. Seasonal inaccessibility also requires extraordinary and timely arrangements, such as airdrops. Hence we beseech you to take the following steps immediately to ensure aid is delivered to South Kordofan and Blue Nile.

Establish a land and air humanitarian corridor through which aid can be delivered without interference or hindrance from Sudanese security, military or other forces or proxies.

Secure arrangements with the SPLM-N for the airlifting of these supplies directly into territory in their control.

Inform relevant Sudanese officials that, due to the urgency of the catastrophe created by their actions, the United States will deliver relief directly into the war-affected areas underneath SPLM-N control.

Invite relevant Sudanese officials to observe the cargo to be delivered so they can verify the contents.

Use the most effective means possible, including airlifts, to get supplies into affected areas in SPLM-N control.

Keep armed escort planes on standby for the protection of aid delivery planes if necessary.

It is therefore unwise to respond to the Khartoum regime's various crimes with appeasement. By allowing the NCP to behave with impunity, the U.S. and the rest of the international community signals a weakness that only emboldens those who would flout its own international agreements.

Furthermore, it is unwise to assume, as the international community does, that Khartoum intends the best for its citizens. Therefore we call on your administration to end Khartoum's effective blockade of aid to South Kordofan and Blue Nile. The regime will continue to kill their own people if once again the United States declines to use the economic and diplomatic leverage at its disposal to enforce the delivery of aid into South Kordofan and Blue Nile states under internationally acceptable terms.

We strongly urge you to act now to stave off the starvation of an entire people. Nothing would speak louder to the United States' concern for the protection of international human rights than an immediate operation to deliver aid to the Nuba Mountains people while they are still alive and able to be helped.

If your administration chooses to stand with the victims of Sudan's continuing campaign of ethnic cleansing, then history will accord you respect and honor. If you do not stand with the victims, history will be much harsher.

We very much look forward to hearing from each of you in regard to our letter and the suggestions therein.

In solidarity with the victims, and with respect,

Dr. Samuel Totten; Professor Emeritus, and author of *Genocide by Attrition: Nuba Mountains, Sudan (2012)*; University of Arkansas, Fayetteville; samstertotten@gmail.com.

Dr. John Hubbel Weiss; Associate Professor, History; Cornell University.

Mr. David Kilgour, J.D.; Former Canadian Secretary of State for Africa; Ottawa, Canada.

Dr. Israel W. Charny (dual citizenship, U.S. & Israel); Director, Genocide Prevention Network and Past President of the International Association of Genocide Studies, and Chief Editor, *Encyclopedia of Genocide*; Jerusalem, Israel.

Dr. Helen Fein; Chair of the Board, Institute for the Study of Genocide, and author of *Human Rights and Wrongs: Slavery, Terror and Genocide*; New York, NY.

Dr. Roger Smith; Professor Emeritus and Past President of the International Association of Genocide Studies, and editor of *Genocide: Essays Toward Understanding, Early Warning Prevention*; College of William and Mary, Williamsburg, VA.

Dr. John Hagan; MacArthur Professor, and Co-Director, Center on Law & Globalizations, American Bar Foundation Co-author of *Darfur and the Crime of Genocide* (Cambridge University Press, 2008); Northwestern University, Chicago, IL.

Craig Etcheson; Author of *After the Killing Fields: Lessons from the Cambodian Genocide*; Canton, IL.

Dr. Ben Kiernan; Whitney Griswold Professor of History and Director of Genocide Studies Program (Yale University); Author of *Blood and Soil: A World His-*

*tory of Genocide and Extermination from Sparta to Darfur* Yale University; New Haven, CT.

Dr. Herb Hirsch; Professor, Department of Political Science and Co-Editor of *Genocide Studies and Prevention: An International Journal* and author of *Anti-Genocide: Building An American Movement to Prevent Genocide* (Praeger, 2002); Virginia Commonwealth University, Richmond, VA.

Dr. Hannibal Travis; Associate Professor of Law and author of *Genocide in the Middle East: The Ottoman Empire, Iraq and Sudan (2010)*; Florida International University College of Law.

Professor Linda Melvern; Department of International Politics, and author of *A People Betrayed: The Role of the West in Rwanda's Genocide*; University of Aberystwyth, Wales.

Dr. Henry Theriault; Professor and Chair, Department of Philosophy, and Co-Editor of *Genocide Studies and Prevention: An International Journal*; Worcester State University, MA.

Dr. Eric Weitz; Dean of Humanities and the Arts, and author of *A Century of Genocide: Utopias of Race and Nation* City College, City University of New York; New York, NY.

Dr. Gregory Stanton; President, Genocide Watch, Research Professor in Genocide Studies and Prevention, School for Conflict Analysis and Resolution; George Mason University, Fairfax, VA.

Dr. Rouben Adalian; Director, Armenian National Institute; Washington, D.C.

Dr. Susanne Jonas; Professor (retired), Latin American & Latino Studies, and author of *The Battle for Guatemala: Rebels, Death Squads and U.S. Power*, University of California, Santa Cruz.

Dr. Robert Skloot; Professor Emeritus; University of Wisconsin-Madison.

Nicolas A. Robins; Co-editor, *Genocide Studies and Prevention: An International Journal*, and author of *Genocide by the Oppressed: Subaltern Genocide in Theory and Practice*; Raleigh, North Carolina.

Dr. John D. Ciorciari; Assistant Professor of Public Policy; Gerald R. Ford School of Public Policy; University of Michigan, Ann Arbor.

Dr. George Kent; Professor, Department of Political Science; University of Hawaii, Honolulu.

Dr. Elisa Von Joeden-Forgey; Visiting Scholar, Department of History; University of Pennsylvania; Philadelphia, PA.

Dr. Peter Balakian; Donald M. and Constance H. Rebar Professor in Humanities, and author of *The Burning Tigris: The Armenian Genocide and America's Response*; Colgate University, Hamilton, NY.

Dr. Ernesto Verdeja; Assistant Professor of Political Science and Peace Studies; University of Notre Dame;

Mr. Stephen D. Smith; Executive Director, USC Shoah Foundation, and Adjunct Professor of Religion; University of Southern California; Los Angeles, California.

Dr. Paul Slovic; Professor, Department of Psychology; University of Oregon, Eugene.

Dr. Jason Ross Arnold; Assistant Professor of Political Science; L. Douglas Wilder School of Government and Public Affairs; Virginia Commonwealth University, Richmond, VA.

Dr. Jason K. Levy; Associate Professor; Homeland Security and Emergency Preparedness and Director; National Homeland Security Project; Virginia

Commonwealth University, Richmond, VA.

Dr. Amanda Grzyb (Dual Citizen, U.S. and Canada); Assistant Professor, Information and Media Studies; and editor of *The World and Darfur: International Response to Crimes Against Humanity in Western Sudan*; University of Western Ontario (Canada).

Dr. Alan L. Berger; Reddock Family Eminent Scholar in Holocaust Studies, and Director, Center for the Study of Values and Violence After Auschwitz; Florida Atlantic University, Boca Raton.

Dr. Douglas H. Johnson; International Expert, Abyei Boundaries Commission, 2005; Author of *The Root Causes of Sudan's Civil Wars*; Haverford, PA and Oxford, UK.

Dr. Gagik Aroutiunian; Associate Professor, Department of Art, Media & Design; DePaul University, Chicago, IL.

Dr. Gerry Caplan; Independent Scholar and Author of *Rwanda: The Preventable Genocide*; Richmond Hill, Ontario, Canada.

Dr. Dominik J. Schaller; Lecturer, History Department, and author of *The Origins of Genocide: Raphael Lemkin as a Historian of Mass Violence*; Ruprecht-Karls-University, Heidelberg, Germany.

Dr. Philip J. Spencer; Director of the Helen Bamber Centre for the Study of Rights, Conflict and Mass Violence; Kingston University; Surrey, England.

Dr. Maureen S. Hiebert; Assistant Professor, Department of Political Science, University of Calgary, Alberta, Canada; University of Calgary (Canada).

Dr. Eric Reeves; Professor, and author of *A Long Day's Dying: Critical moments in the Darfur Genocide*; Smith College, Northampton, MA.

Dr. Robert Hitchcock; Professor, Department of Geography, and co-editor of *Genocide of Indigenous Peoples*; Michigan State University, Lansing.

Dr. James Waller; Cohen Professor of Holocaust and Genocide Studies, author of *Becoming Evil: How Ordinary People Commit Genocide and Mass Killing*; Keene State College, Keene, New Hampshire.

Dr. Rubina Peromian; Research Associate; University of California, Los Angeles.

Dr. Colin Tatz; Visiting Fellow, Political and International Relations, and author of *With Intent to Destroy: Reflecting on Genocide*; Australian National University, Canberra.

Dr. Kjell Anderson; Project Manager; The Hague Institute for Global Justice; The Hague, The Netherlands.

Dr. Adam Jones; Associate Professor, Department of Political Science, and author of *Genocide: A Comprehensive Introduction*; University of British Columbia.

Dr. Elihu D. Richter, MD MPH; Jerusalem Center for Genocide Prevention and Hebrew-University-Hadassah School of Public Health and Community Medicine; Jerusalem, Israel.

Matthias Bjornlund; Historian/Lecturer; Danish Institute for the Study Abroad, Copenhagen, Denmark.

José Carlos Moreira da Silva Filho; Professor, Criminal Law Post Graduate Department; Pontifícia Universidade Católica do Rio Grande do Sul, Port Alegre RS—Brazil.

Tamar Pileggi; Co-Founder, The Jerusalem Center for Genocide Prevention Jerusalem, Israel.

Dr. Uriel Levy; Director, Combat Genocide Association; Jerusalem, Israel.

Dr. Penny Green; International State Crime Initiative; Kings College, London.

Dr. Tony Ward; Professor of Law; University of Hull, UK.

Ms. Amy Fagin; International Association of Genocide Scholars; New Salem, MA.

Dr. Ann Weiss; Director, Eyes from the Ashes Educational Foundation, and author of *The Last Album: Eyes from the Ashes of Auschwitz-Birkenau*; Bryn Mawr, PA.

Dr. Rick Halperin; Director, Embrey Human Rights Program; Southern Methodist University, Dallas, TX.

Mr. Geoff Hill; Bureau Chief, The Washington Times; Johannesburg, South Africa; South Africa.

### WIND PRODUCTION TAX CREDIT

Mr. ALEXANDER. I ask unanimous consent that the following article from the Wall Street Journal on September 18, 2012, on the cost to taxpayers for the wind production tax credit be printed in the RECORD.

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

PUFF, THE MAGIC DRAG ON THE ECONOMY  
TIME TO LET THE PERNICIOUS PRODUCTION TAX  
CREDIT FOR WIND POWER BLOW AWAY

(By Lamar Alexander and Mike Pompeo)

As Congress works to reduce spending and avert a debt crisis, lawmakers will have to decide which government projects are truly national priorities, and which are wasteful. A prime example of the latter is the production tax credit for wind power. It is set to expire on Dec. 31—but may be extended yet again, for the seventh time.

This special provision in the tax code was first enacted in 1992 as a temporary subsidy to enable a struggling industry to become competitive. Today the provision provides a credit against taxes of \$22 per megawatt hour of wind energy generated.

From 2009 to 2013, federal revenues lost to wind-power developers are estimated to be \$14 billion—\$6 billion from the production tax credit, plus \$8 billion courtesy of an alternative-energy subsidy in the stimulus package—according to the Joint Committee on Taxation and the Treasury Department. If Congress were to extend the production tax credit, it would mean an additional \$12 billion cost to taxpayers over the next 10 years.

There are many reasons to let this giveaway expire, including wind energy's inherent unreliability and its inability to stand on its own two feet after 20 years. But one of the most compelling reasons is provided in a study released Sept. 14 by the NorthBridge Group, an energy consultancy. The study discusses a government-created economic distortion called "negative pricing."

This is how it works. Coal- and nuclear-fired plants provide a reliable supply of electricity when the demand is high, as on a hot summer day. They generate at lower levels when the demand is low, such as at night.

But wind producers collect a tax credit for every kilowatt hour they generate, whether utilities need the electricity or not. If the wind is blowing, they keep cranking the windmills.

Why? The NorthBridge Group's report ("Negative Electricity Prices and the Pro-

duction Tax Credit") finds that government largess is so great that wind producers can actually pay the electrical grid to take their power when demand is low and still turn a profit by collecting the credit—and they are increasingly doing so. The wind pretax subsidy is actually higher than the average price for electricity in many of the wholesale markets tracked by the Energy Information Administration.

This practice drives the price of electricity down in the short run. Wind-energy supporters say that's a good thing. But it is hazardous to the economy's health in the long run.

Temporarily lower energy prices driven by wind-power's negative pricing will cripple clean-coal and nuclear-power companies. But running coal and nuclear out of business is not good for the U.S. economy. There is no way a country like this one—which uses 20% to 25% of all the electricity in the world—can operate with generators that turn only when the wind blows.

The Obama administration and other advocates of wind power argue that the subsidy provided by the tax credit allows the wind industry to sustain American jobs. But they are jobs that exist only because of the subsidy. Keeping a weak technology alive that can't make it on its own won't create nearly as many jobs as the private sector could create if it had the kind of low-cost, reliable, clean electricity that wind power simply can't generate.

While the cost of renewable energy has declined over the years, it is still far more expensive than conventional sources. And even the administration's secretary of energy, Steven Chu, calls wind "a mature technology," which should mean it is sufficiently advanced to compete in a free market without government subsidies. If wind power cannot compete on its own after 20 years without costly special privileges, it never will.

Mr. Alexander is a Republican senator from Tennessee. Mr. Pompeo is a Republican congressman from Kansas.

### RECOGNIZING THE CHILDREN'S LEUKEMIA FOUNDATION

Mr. LEVIN. Mr. President, I am proud to recognize all those affiliated with the Children's Leukemia Foundation of Michigan as they celebrate 60 years of dedicated service and invaluable support for Michigan families. Their efforts have made a tremendous difference in the lives of individuals diagnosed with leukemia or a related disorder. This is important work, and we are all grateful for their efforts. An exciting evening has been planned to commemorate this milestone in Birmingham, Michigan this Saturday.

The Children's Leukemia Foundation of Michigan has been at the forefront of the battle against various blood disorders for six decades, helping countless families across Michigan deal with these devastating illnesses and to navigate the many important decisions they face as a consequence. Since its inception in the late 1940s and its incorporation in 1952, this organization has sought to equip patients and their loved ones with the resources, information, and guidance they need to make informed decisions.

Each individual who is diagnosed with a disorder must make a number of important decisions about their care

and circumstances. This is where the CLF steps in. The mission of the CLF is "to provide and promote compassionate, personalized support to people in Michigan affected by Leukemia and other related disorders." This is accomplished through a comprehensive array of services for patients and their loved ones, ranging from support groups, to an online resource room, to a resource kit for families and caregivers that contains useful and timely information about the disorder and the road ahead.

The financial and emotional support the CLF provides is crucial. Whether it is listening to patients and caregivers, helping to defray the cost of a prescription, referring an individual to the appropriate agency or service provider, or paying lodging for a family member, the CLF stands ready and willing to assist families in their time of need. Understanding that illness affects the entire family, the CLF offers services such as a day of respite for family members, peer support from others who share a common experience, a holiday toy program for children, and a ticket program that gives families a precious few hours of fun and joy. The deep concern and care this organization shows certainly helps to lessen the stress on families.

Organizations like the CLF help to provide a measure of comfort and assistance to patients and their loved ones. I know my colleagues will join me in thanking all those affiliated with the Children's Leukemia Foundation of Michigan for their hard work and tireless commitment on behalf of families across Michigan. The positive impact they continue to have on the lives of Michiganders living with leukemia and related disorders, is tremendous, and I extend my deepest appreciation for their many years of service.

### TRIBUTE TO ROSS OGDEN

Mr. BLUMENTHAL. Mr. President, today I wish to honor a dedicated, inspiring—and one of our Nation's longest serving—emergency responders. Ross Ogden has quite literally given to the American Red Cross for his entire adult life.

Beginning his service in 1960 as one of the youngest members of the Greenwich chapter of the American Red Cross, Mr. Ogden served since his high school days with his local chapter, now known as Metro New York North. Throughout his academic tenure at Swarthmore College and then the University of Virginia, Mr. Ogden has helped and rescued fellow Americans confronting crisis, loss, and pain. He has administered aid during our most devastating national disasters, traveling around the country to join his family of Red Cross volunteers, ready to help at a moment's notice. In the wake of Los Angeles' deadly earthquake in 1994, on 9/11, and during Hurricane Katrina, Mr. Ogden risked danger to help others without hesitation. He is