

I am not standing here saying deny this nominee 60 votes because I think he is a liberal activist—I do, and I think that is the reason why he should not be confirmed. What I am saying to my Republican colleagues is: I don't care what deal you cut, how can you possibly agree to move forward on the nomination when the nominee refuses to comply with a congressional subpoena to turn over records about official business at the Justice Department?

By the way, we are not confirming him to an Ambassador post in some obscure country halfway around the world. This is the Labor Department. This is the Labor Department.

I am shocked that there are members of my own conference who would be willing to go forward, go ahead on a nomination like this, who are willing to give 60 votes on a nomination like this on a nominee who has, frankly, flat out refused to comply with a congressional subpoena and answer questions that are legitimate and important. We are about to make someone the head of one of the most powerful agencies in America, impacting the ability of businesses to grow and create jobs at a time, frankly, when our economy is not doing very well, we are about to confirm someone to chair that agency, head up that agency when that individual has refused to comply with a legitimate request. How can we possibly go along with that?

I understand how important it is to protect the rights of minorities here. I understand how important it is to protect the right of the minority party to speak out and block efforts to move forward. But, my goodness, what is the point of even having the 60-vote threshold if you cannot use it for legitimate reasons? This is not me saying I am going to block this nominee until I get something I want. This is a nominee who refuses to cooperate, who flat out has ignored Congress and told them to go pound sand. And you are going to vote for this individual and move forward before this question is answered?

I implore my colleagues, frankly on both sides of the aisle—because this sets a precedent. There will not be a Democratic President forever and there will not be a Senate Democratic majority forever. At some point in the future you will have a Republican President and they are going to nominate people and those people may refuse to comply with a records request. You are not going to want those records? In fact, you have in the past blocked people for that very purpose.

So I ask my colleagues again, how can you possibly move forward a nominee who refuses to comply with giving us the information we need to fully vet that nomination? This is a serious constitutional obligation we have. Do we have an obligation to the Senate and to this institution, being a unique legislative body? Absolutely. But we have an even more important obligation to our Constitution and to the role the Senate

plays in reviewing nominations and the information behind that nomination, and we are being blatantly denied relevant information. We have colleagues of mine who say it doesn't matter, move forward. This is wrong. It is not just wrong, it is outrageous.

Again, I do not think that we should use—nor do I think we have, by the way, used the 60-vote threshold as a way to routinely block nominees from moving forward. You look at the record. This President has done very well with his nominations, across the board—judiciary, Cabinet, executive branch. But, my goodness, can we at least agree that I have a right as a Senator from Florida—as all of you have a right as Senators from your States—to have all the relevant information on these nominees before we move forward?

I am telling you, if you are going to concede that point, then what is the point of having the 60-vote threshold if you can never use it for legitimate purposes?

I would argue to my colleagues today, let's not have this vote today. Let's not give 60 votes on this nominee until he produces these e-mails and we have time to review them so we can fully understand what was behind not just this quid pro quo deal but behind his public service at the Justice Department as an assistant attorney general, frankly confirmed by this Senate with the support of Republicans.

This is not an unreasonable request. For us to surrender the right to ask these questions is a dereliction of duty and it is wrong. If ever there was a case in point for why the 60-vote threshold matters, this is an example of one. I am telling you, if this moves forward, there is no reason why any future nominee would not decide to give us the same answer; that is, you get nothing. I tell you nothing. I will tell you what I want you to know. Then we are forced to vote up or down on someone on whom we do not have information. And that is wrong.

There is still time to change our minds. I think this is a legitimate exercise—not forever. Let him produce these e-mails. Let us review these e-mails. Then bring him up for a vote and then you can vote on him, whether you like it or not based on all the information. But to allow someone to move forward who is basically telling an oversight committee of Congress: I don't have to answer your questions, I don't have to respond to your letters, I ignore you?

I want you to think about the precedent you are setting. I want you to think about how that undermines the constitutional—not just the right, the constitutional obligation of this body to produce advice and consent on Presidential nominees, and I think this is especially important when someone is going to be a member of the Cabinet and overseeing an agency with the scope and the power of the Labor Department.

I still hope there is time to convince as many of my colleagues as possible. I do not hold great hopes that I will convince a lot of my Democratic colleagues, but I hope I can convince a majority of my Republican colleagues to refuse to give the 60 votes to cut off debate on this nominee until Chairman Issa and the oversight committee get answers to their questions that frankly we would want to know. They take leadership on asking these questions but we are the ones who have to vote on the nominee. They are doing us a favor asking these questions. We should, at a minimum, stand here and demand that these be answered before we move forward.

I yield the floor.

The PRESIDING OFFICER. (Ms. BALDWIN). The Republican leader.

OBAMACARE

Mr. McCONNELL. As I mentioned yesterday, I am glad the majority saw the light and stepped back from committing a tragic mistake. It is good news for our country and good news for our democracy. Now that that is behind us, we can get back to debating the issues our constituents are the most concerned about, and for a lot of my constituents they are concerned about ObamaCare.

This is a law that was basically passed against their will and it is a law that is now being imposed upon them by a distant bureaucracy headquartered here in Washington. If the folks in DC are to be believed, its implementation is going just swimmingly. The Democratic leader in the House of Representatives called it “fabulous.” The President said the law is “working the way it's supposed to.” And my friend the majority leader said the other day that “ObamaCare has been wonderful for America.”

Fabulous? Wonderful? These are not the kinds of words one normally associates with a deeply unpopular law, or one that media reports suggest is already having a very painful impact on Americans we represent. Which sets up an important question for Senators to consider: Just who are we prepared to believe here when it comes to ObamaCare: the politicians who have developed it or the people who are reacting to it?

The politicians in Washington who forced this law on the country say everything is fantastic. They spent millions on slick ads with smiling actors and sunny-sounding scripts that blissfully—I am being kind here—blissfully dismiss what the reality of this law will actually look like to so many Americans, or what the reality of the law has already become for some of them. That is why the people have taken an entirely different view. They are the ones worried about losing the coverage they like and want to keep, which is understandable given the growing number of news stories about insurance companies pulling out of States and markets altogether. They are the ones worried about their jobs and pay checks.

Each anecdote we hear about a college cutting hours for its employees or a restaurant freezing hiring or a small business already taking the ax to its workforce at such an early stage—each of them is a testament to just how well this law has been working out for the people we were sent to represent.

According to the chamber of commerce's small business survey released just yesterday, anxiety about the requirements of ObamaCare now surpass economic uncertainty as the top worry for small business owners.

Here is another thing: When even cheerleaders for the law start to become its critics, that is when we know there is something to this train wreck everybody keeps talking about.

Unions are livid—even though they helped pass the law—because they see their members losing care and becoming less competitive as a result of it. That is why they fired off an angry letter to Congress just this week.

The California Insurance Commissioner is troubled too—even though he has been one of ObamaCare's biggest boosters. He is so worried about fraud that he warned we might "have a real disaster on our hands." Well, it is hard to argue with him.

The President was so worried about some of this law turning into a disaster that he selectively delayed a big chunk of it, but he only did that for businesses. He just delayed it for businesses.

A constituent of mine was recently interviewed by a TV station in Paducah, and here is what she said about the President's decision: "It ain't right." Well, she is not alone.

We can argue about whether the President even had the power to do what he did, but here is the point today: If businesses deserve a reprieve because the law is a disaster, then families and workers do too. If this law isn't working the way it is supposed to, then it is a terrible law. If it is not working as planned, then it is not right to foist it on the middle class while exempting business.

That is why the House will vote this week to at least try to remedy that. It is an important first step to giving all Americans and all businesses what they need, which is not a temporary delay for some but a permanent delay for everyone.

The politicians pushing ObamaCare might not like that, but they are not the ones who are having to live with this thing the same way most Americans will have to live with it.

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

The PRESIDING OFFICER (Ms. BALDWIN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. INHOFE. I ask unanimous consent that I be recognized as if in morning business for such time as I may consume.

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

#### EPA REGULATIONS

Mr. INHOFE. Madam President, last Wednesday I came to the floor and spoke about the President's global warming speech and all that the White House is doing to help frame the debate with his talking points memo which we happened to intercept, and it is very interesting.

They also had a secret meeting that took place with alarmist Senators. That is the term used over the past 12 years of those individuals who say the world is coming to an end with global warming.

First, they changed the name from global warming because it was not acceptable. Then they tried climate change. The most recent is carbon pollution. One of these days they will find something that sells, but so far they haven't.

The first thing they don't want to talk about is cost. We have had several global warming and cap-and-trade bills over the past 12 years. When the first bills came out and the Republicans were in the majority, I was the chairman of the Environment and Public Works Committee and had responsibility for defeating them, and we did.

In the beginning, with the Kyoto treaty 12 years ago, and when Al Gore came back from Rio de Janeiro, a lot of people believed this was taking place. Then a group out of the Wharton School did a study and said if we regulate emissions from organizations emitting 25,000 tons or more of CO<sub>2</sub> a year, the cost would be between \$300 billion and \$400 billion a year. As a conservative, I get the most recent information I can from my State of Oklahoma in terms of the number of people filing Federal tax returns and I do the math. At that time, it meant it would cost each person about \$3,000 a year if we had cap-and-trade.

This kept going throughout the years. The most recent one was authored by now-Senator MARKEY, who up until yesterday was Congressman MARKEY. I have a great deal of respect for him, but he had the last cap-and-trade bill regulating those with emissions of 25,000 tons a year or more.

The cost has never been debated much, because Charles River Associates later came out and said it would be between \$300 billion and \$400 billion a year and MIT said about the same. So we know that cost is there.

To my knowledge, while no one has actually calculated this, keep in mind the President is trying to pass a cap-and-trade policy for Americans through regulation because he was not able to pass it through legislation. If you do it through regulation, it has to be under the Clean Air Act.

The Clean Air Act requires us to regulate any source that puts the emissions at over 250 tons. So instead of 25,000 tons being regulated, it would be 250 tons. That would mean every hospital, apartment building, school, oil and gas well, and every farm would come under this. No one knows exactly what it would cost the economy, but it would be staggering.

To pull this off, the EPA alone would have to spend \$21 billion and hire an additional 23,000 bureaucrats. Those are not my figures; those are their figures. So you have to stop and think, if the cap-and-trade bills cost \$400 billion regulating the emitters of 25,000 tons a year or more, imagine what it would be when you drop it down to 250 tons.

The second thing the President doesn't want to talk about is the fact that it is a unilateral effort. If you pass a regulation in the United States of America, it is going to only affect the United States of America.

I have always had a lot of respect for Lisa Jackson. Lisa Jackson was the Administrator of the EPA under the Obama administration. While she is liberal and I am conservative, she was always honest in her answers.

I asked her this question: If we pass, by either legislation or any other way, cap-and-trade in the United States, is that going to reduce worldwide CO<sub>2</sub> emissions? Her answer was: No. Because if you do that, you are doing it just on the brightest sectors of our economy. Without China, without Mexico, without India and the rest of the world doing it, then U.S. manufacturers could have the reverse effect, because they could end up going to other countries where there are not restrictions on emissions, and so they would actually be emitting more. So there goes our jobs, overseas, seeking energy in areas where they are able to afford it.

Lisa Jackson's quote exactly: "I believe . . . that U.S. action alone will not impact CO<sub>2</sub> levels."

What the President doesn't want to talk about in his lust for overregulation in this country is, one, the fact it is going to cost a lot of money and would be the largest tax increase in the history of America, without question. The second is even if you do it, it doesn't lower emissions.

A lot of people say, Why do they want to do it? And I lose a lot of people when I make this statement, but there are a lot of liberals who believe the government should control our lives more. I had this observation back when I was first elected in the House. One of the differences between liberals and conservatives is that liberals have a basic philosophy that government can run our lives better than people can.

Dr. Richard Lindzen with MIT, one of the most outstanding and recognized scientists in this country and considered to be maybe the greatest source in terms of scientific knowledge, said, "Controlling carbon is a bureaucrat's dream. If you control carbon, you control life."