

Shaheen	Udall (CO)	Warren
Stabenow	Udall (NM)	Whitehouse
Tester	Warner	Wyden

## NAYS—46

Alexander	Enzi	Moran
Ayotte	Fischer	Murkowski
Barrasso	Flake	Paul
Blunt	Graham	Portman
Boozman	Grassley	Risch
Burr	Hatch	Roberts
Chambliss	Heller	Rubio
Chiesa	Hoeven	Scott
Coats	Inhofe	Sessions
Coburn	Isakson	Shelby
Cochran	Johanns	Thune
Collins	Johnson (WI)	Toomey
Corker	Kirk	Vitter
Cornyn	Lee	Wicker
Crapo	McCain	
Cruz	McConnell	

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table and the President will be immediately notified of the Senate's action.

The Senator from California.

NOMINATION OF REGINA MCCARTHY TO BE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

Mrs. BOXER. Madam President, I ask that the Senate resume consideration of Calendar No. 98, the nomination of Regina McCarthy to be Administrator of the EPA.

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Regina McCarthy, of Massachusetts, to be Administrator of the Environmental Protection Agency.

The PRESIDING OFFICER. Under the previous order, the time until 2:30 p.m. will be equally divided in the usual form prior to a cloture vote on the McCarthy nomination.

The Senator from California.

Mrs. BOXER. Madam President, as chairman of the EPW Committee, this is a day I have longed for for a long time. This has been the longest time the EPA has been without an Administrator in all of history. We could not have a more qualified nominee. We could not have a more bipartisan nominee.

The bottom line is Gina McCarthy has worked for five Republican Governors. She is a beloved individual. I wish to thank so many outside of this body who have weighed in on her behalf, including Christine Todd Whitman, the former Republican Administrator of the EPA, and Gov. Jodi Rell. It has meant a lot to Gina McCarthy. It has meant a lot to us who know that the EPA deserves a leader, and this woman Gina McCarthy deserves a promotion.

I will be back on the floor in about an hour or so just to make some more brief comments. But I wish to thank my colleagues from both sides of the aisle. We did avert a tough challenge for both parties. We averted that. I am very happy we did. One of the benefits of that agreement is we are having

votes on people as qualified as Gina McCarthy.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Madam President, I ask unanimous consent that after my remarks, Senator REED be recognized for up to 15 minutes.

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

Mr. SESSIONS. Madam President, I would like to talk about the nomination of Gina McCarthy to serve as Administrator of the Environmental Protection Agency. I had the pleasure of meeting with her earlier in the confirmation process and talking with her at length about many important issues. She is experienced. I believe she is a good person. She has given her assurance that EPA would become more responsive—at least my interpretation of her response would be that—and her management has been encouraging.

However, the Environmental Protection Agency appointment is no small matter. The job of EPA Administrator has the potential to impact the life of every American in both positive and negative ways. For example, in the 1970s, Congress passed the Clean Air Act. It focused on pollutants. We were talking about NO<sub>x</sub> and SO<sub>x</sub>, sulphur oxide, nitrogen oxide, particulates, things that adversely affect the health of Americans.

At that point in time, we had no dream in our mind of a problem—global warming—that might arise and become a big issue in the future, nor did Congress have any inclination that carbon dioxide, plant food, that product in the atmosphere that plants take in and breathe out oxygen—we breathe in oxygen and out CO<sub>2</sub>—would be declared a pollutant.

By a 5-to-4 decision, the Supreme Court seemed to declare that, although it was not absolutely mandatory, EPA could regulate CO<sub>2</sub> under the Clean Air Act. EPA has seized that authority. They say that, for example, CO<sub>2</sub> is a pollutant. Congress has never voted to declare CO<sub>2</sub> a pollutant. I believe it is a stretch and an abuse of the Supreme Court's authority to interpret the law we passed in the 1970s as including that.

If CO<sub>2</sub> is a pollutant, as the EPA now assumes and asserts it is, every backyard barbecue, every lawnmower as well as every factory and plant in America is subject to their control because they are required to limit and control pollutants. This is how things happen in America.

So we have an unelected bureaucracy, the Environmental Protection Agency, virtually unaccountable to the public, often refusing steadfastly to produce reasonable answers to inquiries put to them by the Congress. They dictate matters that impact every person in America. It is an awesome power. It is something too little discussed in America.

I am going to talk about another subject briefly. I understand Ms. McCarthy

and her experience. She is going to be elevated now from EPA's Air Office, where they have been hammering coal, hammering natural gas, and other fuels, carbon fuels, in their regulations to a degree that it is driving up the cost for every American to obtain energy, their electricity, their automobiles, and the heating in their homes.

I wish to focus for a few minutes on a central problem at the EPA: its disregard for Congress, the law as written, and the use of unlawful agency guidance.

Agency guidance. These are documents they issue to effectively rewrite the law in a way that favors the administration's policies and political agenda. That is what we are seeing too much of. People say: Oh, they just do not like the EPA. All of these complaints from farmers and businesses, it is all just overreaction. Those are guys who want to pollute the atmosphere and the farmlands and do all of these things. They are not reasonable people.

Most Americans are not dealing face-to-face with the guidance, the regulations of the EPA officials who attempt to dictate so much of what they do. There is perhaps no better illustration of the dynamic than in the context of the administration's effort to grasp control over every ditch, stream and creek and pond in the country.

We actually had a vote on this issue in May during the debate on the Water Resources Development Act. I joined with my colleague Senator BARRASSO in introducing an amendment, the Barrasso-Sessions amendment No. 868 to the Water Resources Development Act. A clear majority of the Senate, 52 Members, voted for our amendment that would stop EPA from implementing an agency guidance document that would vastly expand the Agency's jurisdiction over the Clean Water Act.

So they issue a guidance, direct it to all of their subordinates, and tell them how the law is to be enforced. So actually it becomes a new law; it becomes the effect of an actual statute. First, the problem with what they have been doing is it is contrary to the plain reading of the statute, the Clean Water Act.

This law, enacted in 1972, requires a Federal permit for activities impacting navigable waters—navigable waters. That is what is in the statute, which Congress has defined as waters of the United States. EPA's guidance document broadly interprets this term—broadly interprets it and would give Agency employees throughout the country the authority to make case-by-case determinations with virtually no jurisdictional limits whatsoever.

I recently asked Ms. McCarthy about this issue. She did not detail her views. She would not answer specific questions.

The Supreme Court has ruled several times on the meaning of this jurisdictional term, most recently in its 2006 decision, just a few years ago, Rapanos

v. United States. That 4–1–4 decision—which, I think the Chair did not often see in her State when she was attorney general, not often did I see that, a 4–1–4 decision. The Supreme Court held that the Army Corps of Engineers overreached by asserting jurisdiction under the Clean Water Act over nonnavigable wetlands in that case.

On behalf of the four-member plurality comprised of Justices Roberts, Scalia, Thomas, and Alito, Justice Scalia wrote that “waters of the United States” include nonnavigable wetlands only if there is an “adjacent channel [that] contains a . . . relatively permanent body of water connected to traditional interstate navigable waters.” That is stretching it pretty far, is it not?

So at least there is a stream that is supposed to be connected to some navigable water. Further, Justice Scalia concluded “the wetland has a continuous surface connection with that water . . .” So there is at least some continuous connection to the water. It does not just dry up for most of the year and only have water in it when it rains heavily. The opinion of Justice Scalia is, to me, in line with the Clean Water Act’s original meaning of the term “navigable waters.” The key swing vote was provided by Justice Kennedy, who joined Justice Alito, making five votes and remanding the Army Corp’s decision in that case but under a different interpretation of “waters of the United States.”

With Justice Kennedy’s concurrence, five of the nine Justices rejected the idea that the EPA and the Army Corps have unlimited jurisdiction over anything wet in the United States. As a result, in 2008, EPA, under the Bush administration, issued a guidance document explaining the Agency interpretation of “waters of the United States” in light of the Supreme Court decision. That document did not seek to expand the Agency’s decision or change existing regulations.

Rather, in that guidance document, the Agency adopted a reasonable view that recognizes the need for a significant nexus to traditional navigable water, so a connection at least to navigable water. We call them branches in Alabama. Sometimes they dry up. They are not a navigable stream. However, soon after entering office, the Obama administration sought to replace that 2008 guidance document, expanding their power with a guidance document, even though there had been no intervening Supreme Court case. They submitted a guidance document that would vastly expand the Agency’s assertion of jurisdiction and power.

A second problem with EPA’s approach is that their approach is contrary to the principle of cooperative federalism, which was foundational to the enactment of the Clean Water Act from the beginning. That principle recognizes that there must be a strong partnership between the Federal Government and the States if we are to address environmental challenges.

One way the law recognizes this approach is through giving a limited role for the Environmental Protection Agency. The States have the primary responsibility for protecting water quality, not the EPA. Water is primarily to be protected by the States. This was contemplated in the Clean Water Act.

But EPA’s guidance document would seek to involve EPA in a wide range of permitting actions that should otherwise be left to the States. I believe this guidance is based on a false premise that water quality is protected only by EPA—only they can be trusted, not the people who live in the States where the water is. So, finally, EPA is circumventing Congress by using a guidance document to rewrite the law.

For those reasons, I will be continuing to work on this issue. It is very important in our EPW Committee. I would urge the Senate to act to stop the power grab by EPA. As I noted, a majority of the Senate has voted for that but did not receive the 60 votes required for passage.

I am disappointed, to date, that Ms. McCarthy has not agreed to push back and back down from the aggressive bureaucratic power grab that has come to define this administration’s use of EPA. There are many more problems within the Environmental Protection Agency. They are unelected. They have used powers Congress has never explicitly given them to regulate virtually every aspect of the American economy.

I hope Ms. McCarthy will do a good job if she is given this position, but she serves at the pleasure of the President. She will take her lead from him. It is quite clear he has no intention of constricting the expansion of EPA power but indeed is behind expanding it to the fullest extent he can achieve. That is very troubling.

I yield the floor.

The PRESIDING OFFICER (Mr. HEINRICH). The Senator from Rhode Island.

#### STUDENT LOANS

Mr. REED. Mr. President, over the last few weeks many of my colleagues have been engaged in a very serious, very deliberate, very thoughtful attempt to deal with the issue of student loan interest rates, which doubled July 1 for subsidized loans. They have contributed significantly in terms of trying to move this issue forward to reach a thoughtful and appropriate conclusion.

From what I have heard, under their approach—the Bipartisan Student Loan Certainty Act of 2013—I don’t think, despite the good efforts and good intentions, that they have reached the objective, which is to make college affordable for all of our students and to somehow try to prevent this tidal wave of student financial debt, which is in some cases overwhelming to so many students and families across the country. Instead of emphasizing the students, I think what they have done is just tried to shield

the government from investing in those students.

The clear impact of the legislation that is being proposed is that it will increase the cost of education for students. We were in a position where we legislatively reduced the rate to 3.4 percent. We had an extension for 1 year to this July. It doubled to the previous rate in existing law of 6.8 percent.

What this proposal does is to keep the rate relatively low at first—although it goes up a bit higher than the 3.4 percent—but invariably, mathematically, it gets very high. They have placed some caps there—and that is something for which I salute the authors, their efforts to put caps on the different programs—but those caps are very high also.

The inevitability is that the one sure thing is that over the course of the next few years, students will pay more for higher education at a time when they can afford it less and less and at a time when we need more fully qualified graduates to take the jobs of this new century to be competitive internationally.

I think we have before us, despite all these great efforts, legislation that will shift more and more costs to students. Instead of preventing the doubling of these rates to 6.8 percent, it would gradually raise these rates above 6.8 percent. We might see 1, 2, or 3 years of rates that are relatively below that number, but inevitably, mathematically, those rates will go beyond 6.8 percent, and the caps are rather high.

High school students of today will be paying a lot more for their student loans, and their families will be paying a lot more. It will add to the debt of these students and their families. It will restrict their ability to become not only qualified workers in our economy but also the people who drive the economy, young people who buy homes, buy automobiles, and who are able, because of their skills, to earn enough to contribute not just to the productivity of the country but their own ability to make purchases and keep that engine of the economy moving forward.

There is no real guess as to what level it would go up to because now we are moving away from fixed rates and moving toward an adjustable-rate. The rates have been pegged to a 10-year Treasury bill—a rate that we know is going up. It has gone up nearly 1 percent since just May, and in this environment it is likely to continue to go up. The rate students could pay could rise much more quickly than the projections even that CBO is suggesting. It could rise because of Federal Reserve policy. If they decide to unwind quantitative easing, and in such a way that rates shoot up, then those rates could spike very dramatically.

Students and advocates have raised their voices loud and clear urging us not to take this kind of action. They have said that no deal is better than a bad deal. The people we are trying to

help are actually saying: No, that is not the kind of help we need.

With deep regret, I believe this is not the right approach going forward. What the students and advocates have asked us to do is to keep it at 3.4 percent. I have proposed legislation to do that for a year so that we could work on some of the fundamental issues that are driving costs, such as the incentives and disincentives in colleges for tuition; the issue of—which is separate but very important—how we not only provide reasonable interest rates but how we refinance all those students who are overwhelmed by debt, how they take advantage of the historically low rates of today. All of those difficult issues are being put off. I think they should be engaged, and I think we need the time to engage on those issues.

Unlike the approach of at least another year of 3.4 percent, the proposal before us would lock in about \$184 billion in student loan revenue. That is in the current CBO baseline. Then there is an additional \$715 million that this proposal would generate. All of that is coming out of the pockets of students and families.

Paying for college is tough. This legislation, unfortunately, could make it tougher because it would put in a permanent structure for setting student loan interest rates that could quickly result in students and parents paying more for student loans. This is not a temporary fix to get us to a better place in terms of incentives for tuition, in terms of refinancing, in terms of letting students more actively and more affordably pursue college education; this is the long term.

It is simple math. In a zero budget environment—and that is one of the principles incorporated in this legislation—reducing what students pay today means that students will have to pay more tomorrow. If we are assuming a 6.8-percent fixed rate over 10 years and we lower that rate, as this legislation does, then just do the math—it is going to have to be higher to keep it zero or neutral with respect to the budget, and that is what is going to happen. So we are going to have some relief today, but it will be followed inevitably by students who will pay more and individually have a much larger burden to bear.

I think we are in the position of taking steps that are going to make college more expensive at a time when we have to make it more affordable not only for individual families and students but for the future and success of our economy.

We are also departing from our past experience with market-based interest rates in the Federal student loan programs. This proposal also locks in historically high surcharges on top of basing the loans on a higher cost instrument. Previously we were using the 91-day T-bill, and because it was a short-term note, the interest rates were lower relative to the 10-year note. Now we are using a much higher baseline,

and then we are adding historically higher premiums to that baseline for graduate students and parents. So the legislation builds in additional costs that we haven't used even when we had rates that were based on market conditions.

Under the market-based rates that were in effect from 1998 to 2006, students benefited from historically low interest rates. These rates were indexed, as I said, at the lower 91-day Treasury bill rate rather than the 10-year Treasury bill rate. As I mentioned before, we already know this 10-year Treasury bill rate is moving up.

We are making these changes from the perspective of interest rates at exactly the wrong time—at the bottom of the interest rate curve as it starts its climb up. That argues, to me—and, frankly, I think most people, if they were going to make a choice on a loan today, would try to pick a fixed rate, even if it was a little higher than the introductory rate on a variable loan, because of the experience of the last several years and because of what they are seeing all around them—rising interest rates over time.

This year, borrowers who are repaying these loans—I am talking about the loans that were made in that period of time, 1998 through 2006—have an interest rate of 2.35 percent, and over the last 5 years their rate averaged 2.41 percent. They have benefited from the declining rate. They have benefited from the huge expansion of Federal Reserve quantitative easing. They have benefited from an economy that slowed down, ironically, so that interest rates were falling. Now we are on the other side of that curve, and students won't benefit from the market rates. They will actually see higher rates as we go forward.

We offered these rates in the context of the old program where we had to also subsidize banks. Today, I would think, with the banks out of the picture and with the government, through direct lending, doing the lending, we should be able to find a solution where we can actually lock in much lower rates for students. This is the kind of solution that will take time—the time, I believe, that we could have spent and should spend by extending the 3.4 percent rate another year and looking creatively and thoughtfully at a whole spectrum of issues but with the goal of trying to give students and families the assurances that they can afford college and also that college will be affordable in the sense that the cost of college will start coming under some type of control. That takes a lot of work, and we are not doing that work today. Instead, under this proposal, we are adopting a rate structure permanently that, because of where we are in the economy, will invariably mean that students will pay more and more each year.

I have mentioned before that because of the great effort of some of my colleagues—Senator MANCHIN, Senator

KING, Senator ALEXANDER, Senator BURR, Senator DURBIN, and Chairman HARKIN, I could go on and on—there have been some improvements made in the initial version of this legislation, particularly caps on individual loan programs. Those caps are very high. Under the new proposal, the cap for the undergraduate loans is 8.25 percent, and then there are caps that go all the way up to 10.5 percent. Again, let's step back here. We are putting a cap at those levels because there is a reasonable expectation that we will reach those levels. As a result, we are going from the current law, which is 6.8 percent, to as high as—in some cases for parent loans—10.5 percent. This is a huge swing not in favor of the students but to their disadvantage.

This is why I am working on an amendment, which I hope to offer, that would put the cap at 6.8 percent for all Stafford loans and at 7.9 percent for the parent PLUS loan.

Again, if we are looking at a fixed rate of 6.8 percent and we can't do better than that 2, 3, 4, 5 years from now, we have to ask ourselves whether we really need to make these changes or whether we should make these changes.

If we adopt the amendment I propose, at least we are telling parents they won't be worse off than current law and they will be better off—because of interest rates at the moment—in the next several years. I hope we can do that.

We are looking at Federal student loan debt that is over \$1 trillion. This can only mathematically increase that debt. We should be investing in our students, giving them the benefit of relatively low-cost loans so they can go to school, get on with their lives, and get our economy moving again.

This is also an issue that goes to one of the core issues we face as a country, and indeed it is a core issue across the globe—the growing inequality of income and, in a sense, opportunity in our country and countries across the globe.

In the United States, the great engine for opportunity has always been education. If we make it more expensive, then fewer people can take advantage of it. If fewer people take advantage of it, the inequality will grow because they won't have the chance for the good-paying jobs. By the way, in a competitive global economy, we could see our position slip because we don't have these talented people.

So this is an issue that strikes not only at the technical aspects of a program, this goes to the heart of what it is that gives opportunity to America, and I believe it is education. I believe that if we make it expensive, fewer opportunities will be available. If we make it expensive, we will be less productive and less competitive.

I believe that despite the efforts of extraordinarily talented and dedicated colleagues, we can do better and we should do better. As such, I reluctantly

oppose the underlying legislation. I would at least hope we could cap it if the amendment I offered would be accepted.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I think we are going to have a cloture vote in the early afternoon, and I wish to share a few thoughts. The nominee, Gina McCarthy, is a fine person.

I have been on the Environment and Public Works Committee since I came to the Senate in 1994. In fact, when the Republicans were in the majority, I chaired that committee, and then, as a minority, I was the ranking minority member. So I was there when Lisa Jackson was the Administrator of the EPA—someone I had a great deal of respect for. In fact, some of my Republican friends criticized me. I was the only one who really liked her because, in spite of the fact we disagreed with each other philosophically, she always answered honestly, even when it was uncomfortable for her to do so.

I remember one time I asked her a question during a hearing that was live on TV, as our hearings were at that time. We were talking about one of the cap-and-trade bills that had come up. I don't know how many we have had—10 or so in the last 12 years. I asked her: If you really believe—which I don't—that CO<sub>2</sub> is bad, it is a pollutant and all that—if we were to pass this cap-and-trade bill, which is going to cost in the range of between \$300 billion to \$400 billion—with a "b"—would that reduce worldwide emissions of CO<sub>2</sub>? She said: No, it wouldn't.

The reason is very obvious. People hide from this. They are not honest, as she is. Obviously, if we just do this in the United States, where we already have emission controls on a lot of pollutants, but they don't do it in China and India, they don't do it in Mexico, then it is not going to reduce CO<sub>2</sub>. In fact, the reverse would be true. It would have the effect—if we only had limitations on CO<sub>2</sub> in this country—of causing an increase in CO<sub>2</sub> worldwide because our manufacturing base and others would go where the energy is and that would be to countries such as China where they don't have any controls on anything.

A lot of people say: Oh, well, they are waiting for us. They are going to follow our example. That is garbage. What the Chinese want to do, they are waiting, anticipating, hoping, and praying we will start having restrictions on our emissions because they know our manufacturing base will end up going over there.

Here is another thing I can remember also. One of the problems I have with the United Nations is they are trying to become independent. It just kills them every time they have to say or do something because we threaten to withhold our contributions to the United Nations. So they have been attempting for a long period of time to

get themselves in a position where they are self-supporting and they do not have to be answerable to anyone or accountable to anyone. Consequently, they are the ones who started this whole global warming matter.

If you follow through, going all the way from the Kyoto convention of 12 years ago and up through all these bills, all these pieces of legislation, they are the ones, if that becomes a reality, we will have to turn to. All of a sudden they will have a source of income, so they will not have to be dependent upon the United States, which pays 25 percent of their bills, or any of the other countries.

One of the things the United Nations does and has been doing for 10 years or so—I guess longer than that—is they have the biggest party of the year in the most exotic places in the world they can find to have these parties, and they invite all the countries—192 countries—to come to it. When they have these big conventions, the only price of entering is to agree with the concept of global warming and that you are going to start restricting your CO<sub>2</sub>. Obviously, these countries are not going to do it, but it is worth lying to be able to go to the party.

The biggest one of those parties was held in Copenhagen in 2009. At that time, Lisa Jackson was the Administrator at the EPA. Quite frankly, I don't wish to be disrespectful, but all those who attended from the United States—and I am talking about John Kerry, the President, BARBARA BOXER, NANCY PELOSI, and all of them—had said: Yes, the United States of America is going to pass cap and trade. We will be right there with you.

That wasn't true and they knew it wasn't true. So I decided to go there. In fact, I went all the way there, stayed 3 hours, and came all the way back, as the one-man truth squad.

I can recall right before I left to go to Copenhagen we had a hearing and Lisa Jackson was a witness at the hearing, and I said to her: It is my feeling, as I leave to go to Copenhagen as the one-man truth squad, to let them know we are not going to pass anything over here, and since you know we can't get this done legislatively, that you are going to have an endangerment finding in the United States and then use that as an excuse to pass with regulation what you couldn't do with legislation. She kind of smiled. I could tell that was going to happen. I said: When this happens—when I leave town and you come out with an endangerment finding—it has to be based on science. So what science will you use?

She said: The IPCC. The IPCC is the Intergovernmental Panel on Climate Change, and the Intergovernmental Panel on Climate Change is the United Nations. They were formed by the United Nations. They were formed and stacked with scientists who were all preprogrammed to believe all this garbage, and they did.

Then something happened, and it couldn't have happened at a better

time because it wasn't but a few days after Lisa Jackson had said we were going to be depending upon the IPCC. Here we were, preparing to pass the largest tax increase in the history of America, and doing it through regulations, which was the same thing as cap and trade, only more expensive, and it was going to be based on science and that science was the IPCC. It wasn't but hours after that when climategate came in—and all of a sudden the things we had been saying for 10 years on the floor in talking about the scientists who had been shut out of the process at the United Nations—and they were totally discredited. They had cooked their science, cooked the numbers, and climategate was the result. It was so bad the major newspapers in London characterized it as the greatest single scientific scandal in the history of the world. Now, that is a big deal.

Anyway, that went on, and then they started working on doing this through regulation since they couldn't get it done through legislation. The reason I bring that up is because during that timeframe, while Lisa Jackson was the Administrator of the EPA, Gina McCarthy, the one who is coming up for a cloture vote in maybe an hour or so, was the Assistant Administrator of the EPA in charge of air issues. What went on during that time were these huge punitive things.

We can forget about the greenhouse gases or the cap and trade they are going to be coming up with, even though that is the largest of all of them, they passed Utility MACT. MACT means maximum achievable control technology. What Utility MACT does is ask the question: What technology is out there to restrict and to reduce emissions? What technology? So what they have done in Utility MACT is put a restriction on emissions—and this was impossible technologically to achieve, but the whole idea was to run coal out of business. Quite frankly, they were able to get it through.

I remember at that time there was this little provision that isn't very often successfully used, but it is called the CRA—the Congressional Review Act. That provision says if an unelected bureaucracy that is not accountable to anyone comes out with regulations that are so onerous, so bad that it is going to be very costly and is something that doesn't make any sense, then we in the Senate and House can do a CRA—a Congressional Review Act. We have to get 30 cosponsors—30—and then we have to get a majority—51 in the case of the Senate—to pass it. I did a Congressional Review Act on the Utility MACT, which was to cost us \$100 billion and 1.65 million jobs. These numbers, by the way, are not denied by anyone, to my knowledge.

So there we were, in a position to get this through. I got my 30 cosponsors and we came within 2 votes of getting it done. So the CRA is something where it does inject something to reflect the will of the people, because we

are elected by the people, and we came very close to doing it. Nonetheless, that is now a law, and there are millions of people out there—right now in excess of 1 million people—who have already lost their jobs because of that.

Boiler MACT is the same thing—maximum achievable control technology—for a boiler. Every manufacturer has a boiler. So this would do the same thing to manufacturers as Utility MACT did to coal. That involved \$63.3 billion and 800,000 jobs lost.

The next was cement MACT. That would have been—here they are on the chart. Cement MACT is one that would cost \$3.5 billion and 80,000 jobs. That is already implemented.

If ozone, the next one, should come up, that would perhaps be even more serious than the top 3—second only to greenhouse gases—and that would mean 2,800 counties in the United States would be out of attainment. In my State of Oklahoma, we have 77 counties. All 77 counties would be out of attainment.

I can remember when I was mayor of Tulsa, Tulsa County was out of attainment. That meant we couldn't recruit jobs, we couldn't start new industries, and we had to fire a lot of people who were working there because we were out of attainment in ozone emissions.

That had been delayed until after the election. Now that the election is over, they can go ahead with some of these they hadn't done before.

Hydraulic fracturing. I have talked from this podium I don't know how many times about the President's war on fossil fuels. It is critical. Here we are in a position in the United States where we can be totally independent of any country—the Middle East or anybody else—if we only will use our own resources, but we don't do that. We are in a position right now where we have, in the last 4 years, increased our production by 40 percent because of getting into the shale areas and the tight formations and using hydraulic fracturing to extract the oil and gas. But that is all on either State or on private land. On Federal land, because the Obama administration will not let us drill on Federal land, it has actually decreased by 7 percent. Is that possible, to increase all of our production by 40 percent except that part which is on Federal lands? Yes. In fact, that is exactly what has happened.

When they talk about hydraulic fracturing, this is something that has been regulated by the States, and there is a reason for that, by the way. The reason is my State of Oklahoma has different formations than Alaska, for example, or now with the Marcellus, going through Pennsylvania and New York. That is different—different depths. So the regulation has been very successful. The first hydraulic fracturing job was done in my State of Oklahoma in 1949, and there has never been a case of groundwater contamination in over 1 million applications of it.

Again, this gets back to Lisa Jackson. I asked her that question, when I

asked: Has there ever been a confirmed case of groundwater contamination from hydraulic fracturing? She said: No, there hasn't been.

That is the kind of honesty I like in the answers we get. The only reason I bring that up is the President is trying to use hydraulic fracturing. He will stand, as he did in the joint session, and say: We have an abundance of good, clean, cheap natural gas, and that is what we need to be turning to, but we have to do something about hydraulic fracturing. We can't get to the natural gases necessary without using this technique called hydraulic fracturing. So they are trying to kill it that way.

I could go on and on—this is on this chart behind me—but the only reason I bring this up is we do have a vote coming up on a very fine lady, Gina McCarthy. But we have to keep in mind when all these air regulations were conceived, they were done when she was the Assistant Administrator of the EPA for air. These are all air regulations. So she is certainly more than just partially responsible for that. She was the engineer of all these regulations.

If we add up all of these regulations, the total figure we had—do we have it on the chart? It was the NAM that did a study that no one has challenged, where they say we now, just because of these air regulations—what we have done already exclusive of cap and trade—have lost \$630 billion from our GDP and 9 million jobs have been lost.

That is how critical this is to our economy. That is how expensive it is. All these things translate into taxes. I do a calculation every year. In my State of Oklahoma, the \$300 billion to \$400 billion would cost the average taxpayer in Oklahoma \$3,000. Yet, by their own admission, the greenhouse gas cap-and-trading CO<sub>2</sub> would not reduce CO<sub>2</sub> emissions at all. I am sure a lot of people have been notified by their manufacturers and businesses back home: We can't allow the increase of cost of all these regulations, so we want you to oppose it.

Two votes are going to take place today. The first is the cloture vote. It takes 60 to pass a cloture vote. The next vote, if they should be successful to have cloture, will be the vote to put her into office. That would be only 51 votes.

I hate to say this about my fellow Senators, but I know there are going to be some Senators out there who say, I will fool the people back home; I will vote against her confirmation, but I will go ahead and vote for cloture, because they have to have my vote to reach 60. So they vote for cloture, and then, to make the people at home think they are against all these regulations, they will vote against her. I am predicting that is going to happen. We will know in a couple of hours.

The second vote is not important. The only important vote is the cloture vote. The cloture vote would be the

first one that comes at 2:30 today. So you are going to see a lot of people voting for cloture and then end up voting against her. That is what there is to look for.

This will be the last time I say this; that is if you really want to do something about the regulations and you feel she has demonstrated she will not be helpful in this respect, the one important vote is going to be the cloture vote that takes place at 2:30 this afternoon.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. COATS. Mr. President, we are about to vote on a new Administrator for the Environmental Protection Agency. I have a real problem with the individual who has been nominated to direct that Agency. I will cast my vote shortly, but I want to take the opportunity here to talk about the EPA, an Agency that I think has exceeded the authority given to it by this body, it has overstepped its role and its bounds, and has had an enormous negative impact on my State and on our country.

The overreach, the regulation after regulation and rule after rule that has come out of EPA may have achieved some benefit in some places, but these benefits have come nowhere close to exceeding their costs.

The Competitive Enterprise Institute totals EPA regulations at roughly \$350 billion a year, making it the single most expensive rulemaking agency in government. This is particularly relevant now, because a vote on the new Administrator is before us and I think it is important that we focus on what the EPA's impact has been over the last 4 or 5 years and what the EPA rules and regulations have imposed upon our economy.

Whether it is the war on fossil fuels, whether it is the war on the production of energy, or any of a number of other issues that have been brought forward through their rules and regulations, the EPA has had a serious negative impact on our ability to be an energy-secure, energy-efficient, and low-cost Nation.

Our country has taken great strides to improve air quality over the years. To date, the utility industry has spent over \$100 billion in capital investment for air pollution controls which have resulted in significant declines in emissions. By singling out these providers and effectively prohibiting coal-fired electricity generation, the administration is putting our economic well-being, grid reliability, and American jobs at risk.

Air quality and energy production don't have to be at war with each

other. They don't need to be incompatible. We can, and must, achieve both. But we also must have some flexibility and transparency from this administration and its rulemaking agencies if we are going to accomplish that goal.

I applaud my colleague from Louisiana, Senator VITTER, for his persistence in seeking responses from the EPA. So often this Agency researches benefits and secondary benefits but does not reveal a detailed economic analysis of the true costs associated with their rules. Senator VITTER's work in getting a commitment from the Agency to convene independent economic experts to examine the Agency's economic model is something that I believe needs to be done.

I think the administration should welcome this, because we are trying to find that balance between putting people back to work, getting our economy moving again, and imposing, yes, necessary health and safety regulations but not one at the cost of the other. These can be compatible.

Senator MANCHIN and I, on a bipartisan basis, have sought not to give the electricity coal-fired plants across our country—and many of which are in our respective States—an excuse not to comply with the clean air laws, but simply to extend the time in which they are mandated to bring new pollution control measures onboard. Some of these industries are halfway through the production process of doing this. They have made the commitment. All we asked for was a temporary waiver—nothing to do with achieving the goal, but a temporary waiver to give them a little more extra time to comply and finish what they were doing.

Some of these coal plants were in the middle of installing extremely expensive air pollution control measures. Yet the hard and fast rule imposed upon them by the EPA—with no ability to give them a waiver for demonstrated good-faith effort to comply—and because they couldn't get all the construction and implementation made by a certain date, they now have to switch to another source of fuel or shut down. Many had to shut down, at significant economic impact not just to my State but to many States, particularly those States that have heavy manufacturing that needs a lot of electricity.

So while I don't want to go into great detail in terms of which specific regulations and rules ought to be looked at and given some flexibility, I want to make the larger point that if we are sincere about dealing with issues and policies that will allow us to achieve economic growth and put more people back to work, we need to have responsible rules and regulations—not this onslaught of rules and regulations that continues to come out of EPA, some of which seem driven by ideology rather than by effective cost-benefit analysis—with the understanding that we are in a precarious economic time. We have a lot of people out of work, and that delay or an advancement of time

in which to achieve certain regulations and a sincere evaluation on the basis of what is the real cost-benefit of going forward with this ought to be imposed.

I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

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

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

#### PANCREATIC CANCER

Mr. TESTER. Mr. President, I rise today to speak about the need to invest in research to fight pancreatic cancer.

Just six percent of Americans diagnosed with pancreatic cancer live more than 5 years—6 percent.

Sixty-five percent of folks with colon cancer survive that long; 90 percent live 5 years with breast cancer and nearly every man diagnosed with prostate cancer is still living after half a decade.

Why is pancreatic cancer a different story? It is because we do not have a reliable way to detect this deadly disease in its earliest stages.

As a result, nearly 40,000 Americans will die from pancreatic cancer in 2013. But despite being a leading cause of cancer death, pancreatic cancer receives far less support—and far fewer research dollars—than other forms of cancer.

This must change because support for cancer research saves lives.

Supporting pancreatic cancer research will lead to breakthroughs in treatment. It will lead to needed advances in early detection. And it will show the American people that we are serious about saving the lives of their closest family and friends.

For Leigh Enselman, it will make it clear that we are standing with her and her mother.

Leigh lives in Bozeman, MT while her mother, who suffers with pancreatic cancer, lives in Seattle.

Leigh works hard to support her mom during chemotherapy and radiation treatments. She also volunteers her time to support pancreatic cancer patients and raise awareness about the disease.

But Leigh worries what is in store for her and her mom. She prays every day that her mom will be among the 6 percent of pancreatic cancer patients who survive.

Myra and Ed Pottratz from Great Falls, MT know what Leigh and her mom are going through. Together, they are fighting Ed's cancer. Ed recently had surgery, but the tumor spread to his liver. He now faces painful chemotherapy treatments, something far too many cancer patients experience.

Supporting pancreatic cancer research will also honor the life of Lanny Duffy of Darby, MT.

Lanny and his wife Deborah were not born and raised in Montana. They came west from Chicago so in retirement Lanny could be closer to his beloved fly fishing. But Lanny was diagnosed with pancreatic cancer, and he only got to enjoy the State he loved for a year before the disease took his life.

Congress took a big step forward last year to support folks such as Leigh, Ed and Lanny. We passed the Recalcitrant Cancer Research Act. This bill—supported by a bipartisan majority—increased research into pancreatic cancer. It gave the National Cancer Institute the tools it needs to tackle this lethal disease.

But the sequester is taking back our promise. The sequester cut funding to the National Institutes of Health—which does most of our country's research into this form of cancer—by 5 percent.

That 5 percent cut eliminated 250 million dollars-worth of funding for cancer research.

Talk about sending mixed messages. One moment, we are telling Leigh and her mom that we're fighting cancer with them. The next moment, we are telling them they are on their own.

Just last week, the Senate Appropriations Committee restored the funding that was cut by sequestration so NIH could beat pancreatic cancer. This is my first year as a member of the subcommittee that funds the NIH. It has been an honor to work with Chairman HARKIN to ensure that the NIH and medical research all over the country is well funded by this bill.

But this measure—which I wholeheartedly support—has a long way to go before becoming law.

We need to rein in our spending. We need to get our budget in order. But we cannot hurt our neighbors in the process. We owe that to people like Leigh, and Ed and Deborah. For their sake, we need to find a responsible solution to our budget problems.

Folks around the country are skeptical right now in Congress' ability to make smart, responsible decisions.

And cutting funding to fight deadly diseases like pancreatic cancer only adds to their frustration. That is because they know it will slow down the progress we have made toward detecting pancreatic cancer early on and saving lives.

This disease touches me and my office personally. Two members of my office have lost relatives to pancreatic cancer. Chances are I am not alone in this regard. Chances are each of my Senate colleagues knows a Leigh, an Ed, or a Deborah.

In support of those we know, those we've met, and those we love, I urge my colleagues to support increased research into pancreatic cancer, to support the Appropriations Committee's recent NIH budget plan, and to stand for smart and responsible measures to balance our budget.

## GOVERNMENT SURVEILLANCE

I also want to talk about the need to protect our civil liberties and our Constitutional rights. When I joined the Senate in 2007, I was a bit of an outlier. But I am not referring to my status as the only working farmer in the Senate or to my haircut.

I am referring to my opposition to the Patriot Act.

Montanans elected me to the U.S. Senate after I made it clear that I didn't just want to fix the Patriot Act, I wanted to repeal it. I still do. But recent events have focused many of us in the Senate on my concerns with the Patriot Act and some parts of the Foreign Intelligence Surveillance Act or FISA.

A recent national survey reveals Americans are shifting in favor of reining in government surveillance programs. In fact, since 2010, nearly twice as many Americans say government spying is going too far and restricting our civil liberties.

Folks like me are now mainstream. Support for repeal—or at least changes—to the Patriot Act is up among both Democrats and Republicans.

As a result, more Members of Congress are expressing their concerns about the extent of the government's spying programs, and the Nation is finally talking about how to fundamentally balance our civil liberties with our national security.

Of course, the recent NSA scandal is at the heart of Washington's newfound interest in standing up for our civil liberties. And lawmakers should be outraged, because the secret collection of our phone and internet records is a perfect example for what happens when government ignores our Constitutional rights. We didn't need Edward Snowden to tell us the Federal Government is circumventing our Constitutional rights.

Whatever one thinks of Edward Snowden—and I think what he did was wrong and hurt our country—the reality is that he was not blowing the whistle on illegal activities. He disclosed information about programs that were perfectly legal.

And that is the problem. The NSA is using bad laws to undertake massive data collection on American citizens.

Just over 2 years ago—here on the Senate floor—I said the Patriot Act is compromising the very liberties and rights that make our Nation great and respected around the world.

At that time I said the Patriot Act gives our government full authority to dig through our private records and tap our phones—without even having to get a judge's warrant.

It did not take rocket science to figure it out, it is in the law.

And now it is time to have a full, open debate about the Patriot Act and the FISA amendments.

The Patriot Act is an invasion of privacy. The FISA Amendments Act is no better.

Both are an affront to our freedoms, and—to me—they raise constitutional questions. I am not a lawyer, so I do not know if they are unconstitutional. But I can tell you that they do not represent the values and the privacy rights of law-abiding Americans.

That is why I have voted to repeal it. And it is why I voted against extending the FISA Act in December.

But we can not go back in time. We can only move forward and take action now to better balance our civil liberties with our national security.

To get our intelligence policy back on track in a way that is true to our values, here is what we need to do:

First, we have to fix our laws. We need to do more than just put the government's spying programs under the microscope and we need to rein them in.

That is why I am also supporting a bill that makes it harder for the government to obtain phone call records and forces Federal officials to prove that sought-after records can be linked to a foreign terrorist or group.

The Chairman of the Senate Judiciary Committee wrote this bill. I certainly would not call the senior Senator from Vermont an outlier.

We must have increased transparency and accountability about how these programs are being implemented and why they are being run the way they are.

That is why I joined with one-quarter of the Senate to call on the Director of National Intelligence to justify the collection of Americans' phone and personal information. It has been 3 weeks, and we have not gotten a response yet.

We need answers, and they need to be truthful.

That is also why a bipartisan group of Senators has once again introduced legislation to declassify important Foreign Intelligence Surveillance Court opinions.

Americans deserve to know what legal arguments the government is using to spy on them, and this bill will do just that.

We need a functioning Privacy and Civil Liberties Oversight Board. The Privacy and Civil Liberties Board is charged with making sure national security measures do not violate the rights of law-abiding Americans. For years, seats on the panel sat empty.

But soon after I called on the panel to investigate the NSA, board members found themselves at the White House meeting with the President.

That is a good thing. And they need to continue to have the access and the ear of the President to do their job effectively on behalf of the American people.

It is a new day. Times are changing. The American people are taking a hard look at what Federal officials are doing in the name of national security, and what it means for them and their families. The question is whether this body will live up to the American people's new expectations.

After the attacks of September 11, Congress approved the PATRIOT Act and our Nation went to war. We stamped out Al Qaeda cells and put terror on its heels around the world.

Then and now, our military and intelligence communities performed bravely. They are better trained, stronger, smarter, and more effective than any other force on the planet. I thank them for their service. From top to bottom, I thank each and every one of them for doing their difficult jobs each and every day.

Congress did not give our intelligence community a blank check to walk all over the constitutional rights of law-abiding Americans and Montanans. I am confident American citizens can be kept safe without snooping around in our private lives.

Americans and Montanans are concerned about the government right now. They have seen the recent news about the government missteps, overreach and scandals and wonder where Washington's priorities lie. They wonder whether anyone is looking down the road to see where this country is going.

Every measure I have outlined today will help restore the balance between national security and privacy, and every one of them has strong bipartisan support.

I will keep working with Democrats, Republicans, Independents, and anyone else to defend our civil liberties and for the ideals of our Founding Fathers. Freedom, privacy, and a government controlled by the people are the principles on which our forefathers founded our Nation, and they are the principles that led Montanans to send me to Washington and represent them.

Our constitutional rights are what make us the greatest country in the world, and we cannot let them be taken away one new law at a time.

## PANCREATIC CANCER

Mr. BLUMENTHAL. Mr. President, today I wish to remember all those we have lost in Connecticut and throughout the Nation due to pancreatic cancer and other types of recalcitrant cancers, and to raise awareness of the importance of continued efforts to bring about more effective treatments and widespread education to fight this pernicious disease.

Lisa Hayes was a journalist from Connecticut. She worked for an international nonprofit organization that worked to get medications and health care to developing countries. She was the editor for *Doctors without Borders*, and a fearless advocate for the underdog. Lisa was 45 when she was diagnosed with stage IV pancreatic cancer. Her symptoms were dry skin and fatigue. Being a working mother of two and it being winter, Lisa thought nothing of it. When she was diagnosed, she was told "There is no hope. Go home and kiss your kids good-bye." Lisa tried an oral chemotherapy regime, but it was unsuccessful. She lived for 4 months afterwards, then died four days

shy of her 46th birthday, leaving behind a husband and two children under the age of 12.

While overall cancer incidence and death rates are declining, that is far from the case for pancreatic cancer. Pancreatic cancer is the deadliest of all major forms of cancer, having the lowest 5-year survival rate of only 6 percent. It will strike more than 45,000 Americans this year—73 percent of whom will die within a year of their diagnosis.

Recalcitrant cancers, such as those that develop in the pancreas, are difficult to detect. By definition, these cancers have low survival rates; and, sadly, we have not seen substantial progress in diagnosing or treating these diseases. For these reasons, I was proud to cosponsor the Recalcitrant Cancer Research Act, which was passed and signed into law near the end of the 112th Congress. In addition to other provisions, this law authorized the National Cancer Institute, NCI, to implement a strategic plan to battle pancreatic cancer. This law takes further steps to establish a committee to advise the NCI on research goals for pancreatic cancer, and also requires the creation of an education program to train health care providers, patients, and their families on issues specifically related to this devastating disease.

As required by the Recalcitrant Cancer Research Act, the NCI recently released its report on these issues. The report includes four recommended research initiatives as identified by a working group of leading health experts. I applaud the NCI for taking this important step, and I look forward to continuing to support the agency's work in this area. Efforts such as these are vital to improving our health, and I invite my colleagues to join me in their support.

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

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

The bill clerk proceeded to call the roll.

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

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

Mr. BLUNT. Madam President, I rise to discuss my hold on the nominee whom we will be voting on this afternoon, Gina McCarthy. Gina McCarthy is the President's nominee to lead the Environmental Protection Agency. There is no doubt that there are lots of things to be concerned about with the Environmental Protection Agency.

There are 12 States that just sued the EPA over the Agency's sue-and-settle tactics. There are rules and regulations, if they are allowed to go forward, that will raise energy prices. There are lots of issues to debate, and we will continue to debate those.

This is about a more targeted area. I have only been in the Senate for a couple of years. What is a hold? A hold is

put on a nomination when there is a problem that needs to be solved or a problem that just can't be solved. Some may object to the nominee or some may object to something that has happened that should permanently disqualify that particular individual from any job.

This is a hold on a problem that could be solved. This is one of the things that individual Senators still have the ability to do. This is not intended to stop a nominee but to at least make it more difficult for that nominee to be confirmed. It is one of the things we can do to say: Let's do what we can to solve this problem. It has to be defensible. In my view, it has to be something a Senator is willing to talk about. We did away with the so-called secret holds in the Senate in recent years so we know who has the hold. If anyone wants to know, I suppose they could almost always find out why they have it.

In my case, I would like the administration to do something they promised to do in February; that is, to reach an agreement on a set of facts that relate to a longstanding project in my State of Missouri. Let me be clear: I am not asking anybody to spend any money. I am not asking anybody to approve a project. This is about a draft statement that is out there that the government keeps arguing with itself about.

There is an old saying that you are entitled to your own opinion, but you are not entitled to your own facts. I don't care what opinion any of these agencies have. That is outside of this discussion.

What I care about is agreeing on the facts. There is a project in the "bootheel" of Missouri. Actually, for anyone who has a map of the United States, you can get pretty close to where the project is located. The bootheel in southeast Missouri is pretty easy to find on any map that identifies the States. Anybody can get very close to this project. The St. Johns Bayou-New Madrid Floodway Project has been mired in bureaucratic infighting and unresolved government disputes for at least 30 years.

In fact, 1954 was when the government said they would take care of this levee problem. They said it again in 1986. It is as if every 32 years we need to renew our commitment to do this job.

Congress authorized this project. It would add 1,500 feet of levee. It would close a gap in the levee system around the river; 1,500 feet is not a long space. It can be measured by football fields or however else you want to measure it. We are talking about 1,500 feet. We are talking about how that would work.

After years of going back and forth over the first environmental impact statement, the Army Corps of Engineers produced a second draft of this statement in July of 2011. What do I mean by agreeing to the facts? One of the facts in dispute in any levee flood is always wetlands. In this case, the

U.S. Department of Agriculture said there were 500 acres of wetlands. The Environmental Protection Agency said: No, there are 118,000 acres of wetlands.

Obviously, this is a pretty big floodway if 117,500 acres of it could be in dispute as to whether it is wetlands, and that is a pretty big discrepancy. These are two government agencies. There is only one definition for wetland. Is it 500 acres or is it 118,000 acres? I think the U.S. Fish & Wildlife Service had some number somewhere in the middle, but that is no way to solve disputes.

The facts are the facts. What meets the definition? This draft of the environmental impact statement—people could comment on this draft if it became public. It is not a final statement. I have been asking for a draft statement. It has now been out there for 2 years. In March of 2012, I sent two letters to try to address this problem. One letter went to the Fish & Wildlife Service and one was sent to the EPA.

In June of 2012, the Army Corps withdrew the revised statement due to ongoing concerns with these other two agencies.

In September of 2012, Congresswoman Emerson—who is from that congressional district in Missouri—and I sent a letter expressing our disappointment about all of this foot dragging.

In October of that year, we visited the project to try to figure out what the problem could be for all the farm families and those who would be impacted as well as others who want to be sure they have the right kind of flood protection.

In December of 2012, Missouri colleague Senator MCCASKILL wrote the heads of the EPA and Fish & Wildlife demanding that they reach a resolution in 30 days and that they present this new environmental impact statement in 60 days. So now there is a Republican Senator and Democratic Senator asking the government to quit arguing with itself and come up with an agreement on the facts. This is about the facts, not about opinions.

In July of 2013, the Army Corps withdrew its revised draft statement once again and the EPA said: We are going to take this all the way to the White House for review.

In February of this year, 2013, Senator MCCASKILL and I had a meeting in her office with representatives of these agencies. During that meeting in February, all the agencies agreed to reach an agreement surrounding the facts by March 15.

They came up with this deadline. Senator MCCASKILL and I didn't ask them when or how quickly they could do this. They said: We will get this done by March 15.

Unfortunately, on March 15 they called and said: We couldn't quite get it done by March 15. So I said: OK. One way I can have some impact is with this nominee for EPA. So the next week, March 18, I placed a hold on her nomination.



Frankly, I thought this would be a couple of weeks. After all, 1 month earlier they thought they could do this in 2 weeks. Now I am saying: OK, let's get this done. They can't just promise Members of the Senate that they are going to do something and then decide to ignore it. As a result, nothing has happened yet. The March 15 deadline has come and gone.

In May of 2013, I went to the project site again. I met with Gina McCarthy that month to express my concerns over this bureaucratic infighting. I contacted the White House to attempt to get this situation resolved for southeastern Missourians and people in neighboring States who benefit from this floodway as well. Unfortunately, we are still waiting.

Ten days ago, the EPA, the Corps, and Fish & Wildlife sent a letter on the status. They said there was a common understanding. I wrote back and said: What does that mean? Does that mean you don't understand how you don't agree with each other? What does it mean? Can we get these facts determined?

So far I have heard nothing. I want to know whether the Natural Resource Conservation Service agrees with the new definition. The EPA came up with a new definition of farmable wetlands. No one I know has heard of this before. It is not defined anywhere in law. It is just at the EPA.

Finally, has there been an agreement with the Corps, EPA or Fish & Wildlife on whether proposed mitigation actions are both valid and adequate? Of the 471 comments that came out, 115 of them concerned mitigation, and most of them came from EPA. I am referring to internal comments. We have not gotten to a point where a citizen can say: I like this project or I don't like it, and here is what I think is wrong with it. I sent a response to the administration on July 9 with more questions.

The most pressing question is: Why can't we manage the government? The administration on this issue said: The government is big and complicated and we can't expect the President to run everything in the administration. Actually, I do expect the President to do that. The Constitution expects the President to do that.

Again, as I conclude, let me just say I will vote to not go forward with her nomination, although I may not prevail. This is a reasonable question. I am not asking the Federal Government to spend a dime or to approve construction; I am just asking them to agree to the facts. One wouldn't think that would be hard to do, but in this case it has been pretty hard to do.

The government needs to stop arguing with the government. I am going to keep fighting for the people I work for to have a right to know what the facts are and what we should be considering as we decide whether we should move forward with this project. The Federal Government said, in 1954 and again in

1986, here is something we are going to do and here is the authorization to do it. Let's find out if it really works by just putting the facts on record.

Mr. LEVIN. Madam President, I support President Obama's nomination of Gina McCarthy to be the Administrator of the U.S. Environmental Protection Agency, EPA. The work of the EPA is critical to protecting Americans from toxic air emissions, polluted waters, harmful chemicals, and contaminated soils. EPA restores habitats enabling flora and fauna to flourish, improving drinking water supplies, enhancing our quality of life, and providing recreational opportunities. Since the EPA was created in 1970, the air we breathe is safer, our waterways are cleaner, and hundreds of thousands of contaminated acres have been cleaned up.

This progress needs to continue, and Gina McCarthy would be an excellent leader to protect our treasured environment and improve public health, while at the same time promoting economic growth. I had the pleasure of meeting with Gina McCarthy this April and we had a frank discussion about commonsense environmental regulations. For example, I support strong ballast water regulations to protect the Great Lakes from destructive invasive species, but a patchwork of various State regulations would be impossible for shippers to comply with and thus we need a single strong federal standard. While Ms. McCarthy was not able to comment on this specific matter, she assured me that she would move forward with environmental regulations that are practical and workable. Her work on other EPA regulations, including those addressing toxic air pollutants from power plants and boilers, demonstrate that she has a history of doing this, of listening to all stakeholders and addressing valid concerns.

Gina McCarthy has worked at the local, State, and Federal levels on environmental issues, as well as with coordinating policies related to economic growth, energy, transportation and the environment. She has led EPA's air office, overseeing a number of important regulations to reduce toxic pollutants in the air we breathe. She is committed to serving the public. I support her nomination because we need the type of leadership she has already demonstrated: willingness to work on a bipartisan basis, commitment to responding to what science tells us, and understanding the economic consequences of regulations.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, this is a very important day for the American people. We are beginning to give President Obama the team he wants to work with. I am not suggesting everyone here likes his choices, but he won the Presidency. Every President, whether I agree with him or disagree

with him, or whether I agree with her or disagree with her, or whether it is a Republican or Democrat, every President deserves a team in place.

If I were to ask people how important clean air is to them or how important it is that when children breathe the air they don't wind up with asthma, I will tell my colleagues that 80 percent of them will say it is very important. If I were to ask them how important clean water is, the quality of our lakes and streams and oceans, I would say they would think it over and they would say it is pretty important. That is where we get our fish. That is where we go to recreate. That is a legacy we want preserved.

If I were to say: How about safe drinking water, do you think you ought to be nervous when you or your child drinks your water out of the tap—and, sadly, fewer and fewer people are drinking water out of the tap—I would suggest to my colleagues, knowing what the American people know and seeing how smart they are about what bacteria could be in the water, I would say they would think it very important—at least 80 percent.

If I asked them: How important is it that Superfund sites that had dangerous toxins on them be cleaned up? How important is it to clean up Superfund sites that are dangerous to the health of our children and dangerous to the health of our families? Brownfield sites that are dangerous to our families, how important is it that those responsible for making that mess clean up their mess so those sites can be restored and they can be, in fact, built upon again? I would say vast majorities would say it is very important.

If the Presiding Officer ever goes to visit a school and talks to the kids and asks them to raise their hands if they have asthma or someone they know has asthma, I guarantee too many kids will raise their hands. We know asthma is the greatest cause of school absences.

So why am I starting off discussing the EPA by raising these issues of clean air, clean water, safe drinking water, Superfund sites, brownfield sites? Because the Administrator of the EPA will be carrying out the laws that make sure our air is safe, our water is safe, our drinking water is safe, and the Superfund sites are cleaned up. That is what the Administrator of the EPA does.

For the longest time, we have had a holdup of Gina McCarthy, who was nominated by our President, not because people don't respect her and not because people don't like her. The woman served five Republican Governors, one Democratic President. She got a unanimous vote in her current position as Deputy Administrator. They did it because, frankly, I don't think they like the Clean Air Act. I don't think they like the Safe Drinking Water Act. I don't think they like the Clean Water Act. I don't think they like the Superfund Act. So instead of

going at it head on, because they know they don't have a chance to repeal those laws because the American people revere those laws, they go about it in a roundabout way: Oh, I didn't get the papers I wanted. I didn't get the questions answered. Well, how about 1,000 questions being submitted to Gina McCarthy and she answered every one.

So all of this holdup—stopping this woman from getting the promotion she deserves—isn't about her—it isn't about her. It is about the fact that they don't like the Environmental Protection Agency, even though it was created by a Republican President named Richard Nixon and supported by every President, Democratic and Republican.

Then, of course, there is the issue of climate change. There is the issue of too much carbon pollution in the air, which we are seeing the results of almost every day. The Administrator of the EPA will be carrying out the President's vision for how to get that carbon pollution out of the air, and she will be good at it.

When 98 percent of scientists tell us climate change is real, it is real. I guess 2 percent of scientists are still saying tobacco doesn't cause cancer. Well, bless their hearts, that is their right, but I am not following them, nor are the American people following the 2 percent of scientists who say tobacco isn't linked to lung cancer. And, thank God, we are seeing more and more Americans walk away from smoking. But I have to tell my colleagues, for years we had doctors paid by the tobacco industry and scientists paid by the tobacco industry to say, under oath: We don't see the connection. The tobacco officials themselves actually said that. I will never forget the sight of one after the other: We swear to tell the truth. There is no connection.

Today we had a hearing in the environment committee. It was a terrific hearing about the science of climate change. The Republicans brought forward two witnesses. They were not scientists; they were economists. They said doing anything about climate is terrible for the economy.

I have to tell my colleagues, I looked at the organizations they represented: funded by the Koch Brothers, funded by ExxonMobil. That is a fact. So this isn't about Gina McCarthy, this whole holdup where we had an agency with an acting head—a very good guy, but we need someone in this position who is going to have the gravitas of this confirmation to head the agency.

If we look at the lives that have been saved because of the Clean Air Act, and if we look at the economic prosperity that came about because of the Clean Air Act, it would shake people up. Over a 200-percent increase in the GDP as the Clean Air Act was being carried out; jobs and jobs and jobs created after the special interests told us it would be calamitous.

Do my colleagues know what we found? And we will find it out, as Presi-

dent Clinton just said yesterday at a ceremony where I was proud to be present. When we clean up the environment and we do it in a good way, a wise way, a way that Gina McCarthy will lead us toward, we will create hundreds of thousands of good jobs. We will bring alternative clean energies to the table that will wind up saving money for the American people.

I drive an electric hybrid car, and I hardly ever go to the gas station. It cost a little bit more in the beginning, but after a few years I had it paid for, and after that our family is saving money. I was able to put a solar rooftop on my home. Granted, it is in California where the Sun shines a lot. The fact is, in a few years, I will be reaping the benefits of it because I do not pay for electricity.

So we can reap the benefits. Instead of telling people it is going to hurt them, the truth is it is going to help them.

I will never forget when the wall came down in Eastern Europe. I visited that wall in Germany. When that wall came down, the first thing Eastern European countries did was clean up the air. People could not see. The truth is, if a person can't breathe, they can't work, period. In China, they can barely see, and they are going to undertake a huge cleanup of their environment.

So this battle about Gina McCarthy is not about Gina McCarthy; it is about the fact that a lot of our colleagues simply believe we would be better off without an EPA. If my colleagues look back at the lives saved because of the EPA, if they look at the jobs created because of the EPA, my colleagues would think, I believe—if they really looked at it without a prejudice—they would agree with the American people who support the Environmental Protection Agency in numbers that are 70 percent, 80 percent.

So to say that I am relieved we are having this vote is an understatement. I am so happy to see this moment come, when we will put in place an Administrator for the EPA who will do us all proud, who will be fair to all sides, and who will move our Nation forward in both cleaning up the environment and creating good jobs in the process.

I thank the Chair very much. I don't see anyone else here, so I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### CLOTURE MOTION

Under the previous order and pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The 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 debate on the nomination of Regina McCarthy, of Massachusetts, to be Administrator of the Environmental Protection Agency.

Harry Reid, Barbara Boxer, Benjamin L. Cardin, Christopher A. Coons, Patrick J. Leahy, Tom Carper, Ron Wyden, Patty Murray, Tom Udall, Martin Heinrich, Bernard Sanders, Sheldon Whitehouse, Max Baucus, Richard J. Durbin, Kirsten E. Gillibrand, Jeff Merkley, Brian Schatz.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Regina McCarthy, of Massachusetts, to be Administrator of the Environmental Protection Agency, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

The yeas and nays resulted—yeas 69, nays 31, as follows:

[Rollcall Vote No. 179 Ex.]

#### YEAS—69

Alexander	Franken	Murkowski
Ayotte	Gillibrand	Murphy
Baldwin	Graham	Murray
Baucus	Hagan	Nelson
Begich	Harkin	Portman
Bennet	Heinrich	Pryor
Blumenthal	Heitkamp	Reed
Boxer	Hirono	Reid
Brown	Isakson	Rockefeller
Burr	Johnson (SD)	Sanders
Cantwell	Kaine	Schatz
Cardin	King	Schumer
Carper	Kirk	Sessions
Casey	Klobuchar	Shaheen
Chambliss	Landrieu	Stabenow
Cochran	Leahy	Tester
Collins	Levin	Udall (CO)
Coons	Markey	Udall (NM)
Corker	McCain	Vitter
Donnelly	McCaskill	Warner
Durbin	Menendez	Warren
Feinstein	Merkley	Whitehouse
Flake	Mikulski	Wyden

#### NAYS—31

Barrasso	Grassley	Paul
Blunt	Hatch	Risch
Boozman	Heller	Roberts
Chiesa	Hoeben	Rubio
Coats	Inhofe	Scott
Coburn	Johanns	Shelby
Cornyn	Johnson (WI)	Thune
Crapo	Lee	Toomey
Cruz	Manchin	Wicker
Enzi	McConnell	
Fischer	Moran	

The PRESIDING OFFICER. On this vote, the yeas are 69, the nays are 31. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Pursuant to S. Res. 16 of the 113th Congress, there will now be 8 hours of debate equally divided in the usual form prior to a vote on the McCarthy nomination.

Who yields time?

The Senator from Louisiana.

Mr. VITTER. Madam President, I rise to talk about the substance of the Gina McCarthy nomination. It is a very important nomination. It is a very important Agency that has been taking dramatic action in the last 4 years. Gina McCarthy is not some outsider coming to this anew. She has been at the center of that very dramatic, and in my

opinion, draconian action, in a methodical march against affordable, reliable energy.

The EPA has crafted and will continue to put forward multiple rules to stop the use of coal as part of our energy mix, to increase prices at the pump, to create energy scarcity at a time when energy independence is within our reach. This is a crucial debate. Because while the President says he is for all of the above, while he says he wants to pursue that strategy, the particular policies of EPA have done the opposite. It has not been all of the above. It has been a war on coal. It has not been energy security, it has been increasing prices at the pump. It has not been energy independence, it has been trying to muffle the progress we can make to produce good, reliable, affordable energy right here in our country.

The EPA will play a pivotal role in the execution and implementation of the President's recently announced climate action plan. With this edict from the President, EPA is further emboldened and will strengthen its grip on the Nation's economy.

EPA's significant rulemaking agenda is not only estimated to cost billions of dollars, but it suffers from inherently flawed foundations. In the recent past, this has necessitated the reconsideration or revision of multiple rules after they were promulgated—for instance, reconsideration and revisions to the mercury and air toxics rule, the boiler MACT rule, the cross-State air pollution rule, the oil and gas NSPS rule, and the Portland cement rule. So there alone you see the deep flaws in what they have been doing, because they have had to back up and clean up the mess.

EPA needs to show the public the truth and the ultimate consequences of its actions. The extent of the economic harm of the rules put forward during the last 4 years and those they are talking about for the next 4 years must be known to the public not only through FOIA requests, not only through congressional inquiries, not only through more accessibility to information which we have won, but by being honest with the American people about their policies.

Let me talk about a few areas where this is particularly important.

First, greenhouse gas regulation. The regulation of greenhouse gases alone is expected to cost more than 300 to \$400 billion a year, and it will raise energy costs across the board.

EPA will continue to issue regulations industry by industry until virtually all aspects of the American economy are constrained by regulatory requirements and high energy prices.

When the EPA IG investigated the basis upon which EPA moved forward with a greenhouse gas regulation endangerment finding, the IG found that EPA did not follow its own peer-review procedures to ensure that the science behind the decision was sound.

This is a very important point, and we need more and different action from the EPA.

Directly related to that are the so-called social costs of carbon. In order to justify this regulatory regime that I am talking about, put forward by the administration, including unilateral action to be undertaken as part of the climate action plan, for the second time in just a few years an interagency working group crafted, behind closed doors, a monetized estimate of the damages caused by emitting an additional ton of CO<sub>2</sub> in 1 year. These estimates are referred to as the social cost of carbon.

The problem is that the EPA completely jiggered the methodology behind that to obtain a certain result. In fact, OMB has guidance on how to go about this. They have specific guidance on what discount rates to use. And the IWG failed to use their normal recommended discount rate for a very simple reason: it wouldn't get them to the end goal, the objective they needed to get to. This is more evidence of the serious problems we have with EPA.

Another important category is the ozone national ambient air quality standards. Beyond the regulation of greenhouse gases, EPA will propose revisions to the ozone national ambient air quality standards which, if set between 60 and 70 ppb, would cost potentially hundreds of billions of dollars annually. EPA itself estimates now that this would cost between 19 and \$90 billion annually and would likely find 85 percent of U.S. counties designated "nonattainment." This is a big deal. EPA needs to talk honestly with the American people about where it is pushing us.

Overreach. In general, this Agency's overreach has been historic. For instance, in an attempt to smear the idea of hydraulic fracturing, EPA has carried out a campaign against that process in an attempt to justify unnecessary Federal regulations that would usurp the successful and traditional regulation of that process.

The EPA, in three separate instances—Pavillion, WY; Dimock, PA; and Parker County, TX—came out with outlandish and unsubstantiated claims of contamination and ridiculous claims of dangers, such as houses exploding due to hydraulic fracture. In all three of those cases, EPA has been forced to walk away from their baseless claims and withdraw from their investigatory witch hunts.

There is yet another example of improper action and complete overreach and mismanagement of existing programs—the renewable fuel standard. While that fuel standard, in my opinion, is inherently flawed and may be in need of outright repeal, EPA is in charge of its current implementation. It is not taking action while a crisis mounts under that current implementation.

As renewable fuel mandates increase each year while demand for transpor-

tation fuels decreases, refiners are forced to blend more biofuels into a gasoline and diesel pool that is shrinking. We are hitting a blend wall. It is a mounting crisis. It is right before us. EPA is managing—or I should say mismanaging—this existing program. EPA has existing powers to do something about it so we don't hit the blend wall, so we don't cause unnecessary spikes in prices at the pump, and it is not happening.

Those are the highlights—or I should say the low lights. Those are some of the obvious areas where this Obama EPA—with Gina McCarthy as a key player—has acted to the detriment of the American people, jobs, the economy, and our future.

It is for those reasons that I continue to have profound concern with this direction at EPA. As I have said, the present nominee is not an outsider. She is not new. She does not have no element of involvement. She has been at the very heart of many of these matters as head of the clean air program. For those reasons, I not only express my strong reservations, I will vote against the nomination of Gina McCarthy.

I urge my colleagues to look long and hard at the record of this EPA. It has been a job killer. It has slowed economic recovery, and it threatens to do even more damage. I urge a "no" vote.

I yield back my time and invite others who would like to speak to come to the floor immediately.

I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

Mrs. BOXER. Madam President, I yield back all remaining time.

I understand the Republican side has yielded all time, and I would like to see us get to a vote.

The PRESIDING OFFICER. Without objection, all time is yielded back.

The question is, Will the Senate advise and consent to the nomination of Regina McCarthy, of Massachusetts, to be Administrator of the Environmental Protection Agency?

Mrs. BOXER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Mississippi (Mr. WICKER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 59, nays 40, as follows:

[Rollcall Vote No. 180 Ex.]

## YEAS—59

Alexander	Franken	Murphy
Ayotte	Gillibrand	Murray
Baldwin	Hagan	Nelson
Baucus	Harkin	Pryor
Begich	Heinrich	Reed
Bennet	Heitkamp	Reid
Blumenthal	Hirono	Rockefeller
Boxer	Johnson (SD)	Sanders
Brown	Kaine	Schatz
Cantwell	King	Schumer
Cardin	Klobuchar	Shaheen
Carper	Landrieu	Stabenow
Casey	Leahy	Tester
Collins	Levin	Udall (CO)
Coons	Markey	Udall (NM)
Corker	McCain	Warner
Donnelly	McCaskill	Warren
Durbin	Menendez	Whitehouse
Feinstein	Merkley	Wyden
Flake	Mikulski	

## NAYS—40

Barrasso	Graham	Murkowski
Blunt	Grassley	Paul
Boozman	Hatch	Portman
Burr	Heller	Risch
Chambliss	Hoehn	Roberts
Chiesa	Inhofe	Rubio
Coats	Isakson	Scott
Coburn	Johanns	Sessions
Cochran	Johnson (WI)	Shelby
Cornyn	Kirk	Thune
Crapo	Lee	Toomey
Cruz	Manchin	Vitter
Enzi	McConnell	
Fischer	Moran	

## NOT VOTING—1

Wicker

The nomination was confirmed.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, I am 95 percent certain there will be no more votes today. The question I am not as certain about is what happens on Monday. We will know before the day is out whether we will have to have a Monday vote or votes. We will keep that in mind. Everyone should keep it in mind.

I ask unanimous consent the motion to reconsider be considered made and laid on the table, there being no intervening action or debate; that no further motions be in order; and that President Obama be immediately notified of the Senate's action and the Senate resume legislative session.

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

## LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate resumes legislative session.

TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2014—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. BENNET. Madam President, I ask to speak as in morning business.

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

## COMMEMORATING THE AURORA TRAGEDY

Mr. BENNET. Madam President, on Saturday, July 20, Colorado will commemorate a solemn anniversary be-

cause a year ago, almost exactly to the day, in Aurora, CO, a theater full of people, who at that moment wanted nothing more than to escape the heat and enjoy a movie with their family and with friends, found themselves in the middle of a senseless and violent tragedy. A gunman opened fire and took 12 lives a year ago, innocent people, loved by family and by friends. He physically wounded scores of others.

Days later, as this photo shows, thousands of Coloradoans attended a vigil hosted by the city of Aurora. We shared tears and prayers. We also resolved to support each other, to heal, and to always remember those who lost their lives—which is what brings me here today.

Since that time, we have continued to see an outpouring of support all across Colorado and, for that matter, all across the United States of America for those we lost, their loved ones, and for the city of Aurora. The grace and courage of the families and survivors affected by this terrible tragedy serve as a powerful reminder to all of us of the resilience of the human spirit.

Today we remember the victims, victims such as Jessica, an aspiring young journalist; Rebecca, a mother of two who joined the Air Force after high school; and Veronica Moser Sullivan, age 6, who had just learned to swim and loved to play dressup.

We also remember the acts of heroism and the resolution demonstrated by so many Coloradoans in the aftermath of this tragedy, people such as Matt McQuinn, who threw himself in front of his girlfriend on the night of the shooting, saving her life; and the brave first responders and volunteers who helped save lives and comforted those in shock and heartbreak.

We remember the city of Aurora and the State of Colorado, which has once again come together to help one another through unspeakable loss and heartache.

At a recent service of over 3,000 people at the Potter's House, an Aurora-based church, Rev. Chris Hill told those in attendance that "We believe morning is coming to Aurora. Aurora means the dawn." I think that captures the spirit of resilience and toughness that characterized Aurora, my beautiful State of Colorado, and these United States of America.

Before I leave the floor, I want to read once again the names of the victims in Aurora: Jon Blunk, AJ Boik, Jesse Childress, Gordon Cowden, Jessica Ghawi, John Larimer, Matt McQuinn, Cayla Medek, Veronica Moser, Alex Sullivan, Alex Teves, and Rebecca Wingo.

I yield the floor.

I suggest the absence of a quorum.

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

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from West Virginia.

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

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

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

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

## COAL IN AMERICA

Mr. MANCHIN. Mr. President, weeks and months ahead and maybe even for years to come, we will be debating President Obama's latest global climate proposal. It is crucial that this debate be based on crystal clear facts and not clouded by political ideologies on either side.

So, starting today, I plan to deliver a series of speeches on energy, and I plan to start with coal, which I know is no surprise to the Presiding Officer. Coal is America's greatest energy resource. I think it is important to lay out the facts about coal for several reasons.

No. 1, coal is America's most abundant, most reliable, and most affordable source of energy, and it will be for decades to come.

No. 2, the coal industry and its supporters have been falsely portrayed by opponents as monsters who have done something wrong, that they value money over health and the environment.

No. 3, I think the American public has some basic misconceptions about coal and how important it is to keeping our economy growing and our Nation secure.

I think that because I was recently asked: If coal is so controversial, then why don't we as a nation just use more electricity? The question shows that, basically, people don't understand where their electricity comes from. When we turn the lights on, over 40 percent of the people depend on coal. Most of this industry and this country has been built on the back of coal and what coal has produced.

I didn't know how to respond to the person who asked that. It was one of those rare moments when I was at a loss for words. Just imagine standing there and being asked: Why would we continue to keep mining coal? Why wouldn't we just use more electricity?

I guess what I should have said was this: When we surf the Internet, watch TV or play video games, when we charge a cell phone or turn on an air conditioner or plug in our hybrid car to charge it, we are using electricity, and there is a good chance that electricity came from coal.

Coal has a distinguished past. In fact, one can't tell the history of America without telling the history of coal. It fueled the industrialization of America in the 19th and early 20th centuries, making us what we are today: the richest and most powerful Nation in history.

Coal also has a distinguished present. It is responsible for 37.4 percent of all electricity generated in the United States today—more than any other source of energy.

Just as important, coal has a distinguished future ahead of it. The U.S. Department of Energy says it will remain