

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business until 10 a.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees.

The Senator from Wyoming is recognized.

CROSS-BORDER AIR POLLUTION

Mr. BARRASSO. Mr. President, I come to the floor today to talk about the Environmental Protection Agency, the EPA, and their implementing a cap-and-trade program for what is called cross-State air pollution. I oppose this new regulation and I support the resolution of disapproval that we will be voting on later today.

Led by the EPA, Washington bureaucrats are tying up America with red-tape. They are tying up our Nation and they are tying up the American people. This year alone, the EPA has issued over 400 final rules. These are rules that do have the effect of law. Well, that is over two rules per day so far this year for each day the *Federal Register* has been open for business in 2011.

Imagine any business in the United States, in our home communities—businesses having to comply with two new EPA rules each day you are open for business. And, of course, if you don't comply, then you face thousands of dollars in fines. This is business as usual for the EPA. Thousands of rules are filling the Federal Register, 70,000 pages this year alone. The costs of rules issued this year are estimated to eclipse the \$100 billion mark. It is time to stop Washington bureaucrats. They are issuing excessive rules without considering their impact on our economy.

The problem is that this administration does not believe there is a regulations problem. They think more regulations actually create jobs rather than harm jobs. Fortunately, a previous Congress passed, and President Clinton signed into law, what is called the Congressional Review Act. This law gives us our best tool to dismantle bad regulations, and we should use it when appropriate.

Majority Leader REID, one of the authors of this Congressional Review Act, described the process as a reasonable, sensible approach to regulatory reform. I believe the Senate should use it here today. The Senate should take back some responsibility, instead of letting unelected, unaccountable bureaucrats continue to harm our economy.

I am standing here today to support Senator RAND PAUL's resolution to nullify the EPA's cross-State air pollution

rule. The EPA's cross-State air pollution rule was finalized approximately 3 months ago. It is already costing Americans jobs. Over the summer, officials at a Texas utility threw up their hands and said they can't comply. They said it was too costly, too burdensome, and 500 jobs in Texas were lost as a result. The EPA's own estimates say another 2,500 jobs will be lost because of this very regulation. Private sector analysis puts the job and cost numbers much higher.

The cross-State air pollution rule puts limits on electricity generation for over half the country. It forces Washington's heavy hand on over 1,000 coal, gas, and oil-fired facilities across 28 States. Originally designed for States in the East, the EPA now continues to expand the rule to capture more and more States in the West. The newest version of the rule imposes new requirements for Kansas, Oklahoma, Nebraska, Texas, Iowa, Missouri, and Wisconsin. The compliance costs are very high. By the EPA's own estimate, the rule will cost over \$2.4 billion.

The EPA also notes that part of these costs will be passed on to U.S. households in the form of higher electricity rates. The cross-State air pollution rule demonstrates how bureaucrats simply do not understand how job creators work and operate their businesses all across this country.

The implementation timeline the EPA has proposed is nearly impossible to follow. The rule was finalized on August 8, which leaves less than 6 months for companies and States to act and meet the new mandates by January of 2012. The Office of Management and Budget even warned that there would be consequences of such a drastic change in such a short amount of time.

In conclusion, this resolution of disapproval will tell the bureaucrats to do their job but do it following the rules of the road. We all want clean air, and we want it done in a responsible way. This EPA is rushing through rules, causing a train wreck in our economy, our jobs, and our competitiveness as a nation will suffer as a result. Senator PAUL's resolution will save at least 3,000 American jobs and also prevent a rise in electricity costs for American families. By adopting this resolution today, we will help our job creators, and help them be more competitive in the global marketplace. It is common sense to rein in the EPA.

Mr. President, I yield the floor.

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

Mr. DURBIN. Mr. President, I have great respect for my colleague who just spoke but disagree with him, and I urge my colleagues to take a careful look at the Rand Paul resolution of disapproval when it comes to this issue of air pollution. I would commend the remarks of our colleague Senator KELLY AYOTTE of New Hampshire who spoke this Tuesday on the floor of the Senate, urging the same opposition to

RAND PAUL's resolution. She said she could not support that resolution. I quote from Senator AYOTTE's floor statement:

The cross-State air pollution rule is designed to control emissions of air pollution that cause air quality problems in downwind States, and New Hampshire is a downwind State.

She went on to argue that this rule, which was first implemented 6 years ago—this is not a new idea coming through this administration; it has been here for years—is simple justice. Why in the world should the people downwind of a polluting State have their lifestyle and opportunity to expand businesses affected? Shouldn't we have reasonable standards that, if the air pollution you put in the air is going to cross over the border—which it naturally will—and affect the air quality in a neighboring State, you have a responsibility? Well, of course you do. But, unfortunately, the position Senator PAUL is taking is that we shouldn't have any standards, we shouldn't have any rules.

I would also suggest that there are utility companies—one that visited my offices yesterday—that agree with my position. They want to have a good rule when it comes to this cross-State air pollution.

John Rowe is the executive of a company named Exelon. Exelon, Commonwealth Edison, has been around for a number of years. They have acquired plants in many different locations. He was here on the Hill yesterday as a utility executive lobbying against RAND PAUL's resolution of disapproval. If you believe the earlier statements made by my colleague and friend Senator BARRASSO, you would assume the power industry is opposed to the EPA in this position. Not true. Many forward-looking utility executives have made decisions to lessen air pollution. If the Paul resolution is enacted, all of their investment will have been for nothing other than their own self-satisfaction. They have tried to live up to a standard in the law which Senator PAUL now wants to eliminate. That is a mistake. And it is a mistake because it rewards bad conduct.

When we come up with new standards to make America healthier and safer, it is interesting, the reaction. Some corporate leaders, when they hear of a new standard that might make the air cleaner or water purer, say, That is it, we have heard from the government, we have got to go out and hire a lawyer and a lobbyist to fight it. Others say, That is it, we believe the standard is reasonable, we are going to hire the engineers to make it work.

The second approach is one we should reward. The first approach will be rewarded if Senator PAUL has his way and eliminates this air pollution standard.

Yesterday, Lisa Jackson, the Administrator of the Environmental Protection Agency, came in my office and I talked to her. I said that many times