

## Table of Contents

U.S. Senate Date: Wednesday, August 5, 2015

Committee on Environment  
and Public Works Washington, D.C.

STATEMENT OF: PAGE:

THE HONORABLE JAMES INHOFE, A UNITED STATES SENATOR  
FROM THE STATE OF OKLAHOMA 5

THE HONORABLE BARBARA BOXER, A UNITED STATES SENATOR  
FROM THE STATE OF CALIFORNIA 8

BUSINESS MEETING TO CONSIDER MARKUP, FOUR GSA RESOLUTIONS

WEDNESDAY, AUGUST 5, 2015

U.S. SENATE

Committee on Environment and Public Works

Washington, D.C.

The committee met, pursuant to notice, at 9:34 a.m. in room 406, Dirksen Senate Building, the Honorable James Inhofe [chairman of the committee] presiding.

Present: Senators Inhofe, Vitter, Barrasso, Capito, Crapo, Boozman, Wicker, Fischer, Rounds, Sullivan, Boxer, Carper, Cardin, Whitehouse, Merkley, Gillibrand and Markey.

Senator Inhofe. Our meeting will come to order.

We are going to start by recognizing Senator Boxer for a special presentation.

Senator Boxer. Thank you, Mr. Chairman, for a very special presentation.

Before we get into the difficult arguments that await us, I thought I would take a minute to mark the fact that we worked so well together on a transportation bill that was very difficult to put together.

When it got to the Floor, we had to make more changes and it took a lot of work on the part of the staff, but I have to say, Mr. Chairman, it was your leadership in marking up the bill here first and working with us and all of us to get a 20 to zero vote that I think should be marked today by a special gift that we have bought for you, if you would accept that.

Senator Inhofe. I will accept it.

Senator Boxer. It is not a trick. I think you will like it.

Senator Inhofe. Oh, I will. Oh, my goodness.

Senator Boxer. See all those bridges on there?

Senator Inhofe. Yes.

Senator Boxer. It is a towel with a lot of bridges. They are the ones that are structurally deficient and we are going to fix them.

Senator Inhofe. It reminds me of my gift to you.

Senator Boxer. Never mind that.

Senator Inhofe. It was a coffee cup that when global warming took place, it spilled coffee.

Senator Boxer. I would call that a trick gift. This is a real gift.

Senator Inhofe. It is very nice. Thank you.

We are going to start with opening statements. She may change her mind.

STATEMENT OF THE HONORABLE JAMES INHOFE, A UNITED STATES SENATOR  
FROM THE STATE OF OKLAHOMA

Senator Inhofe. Even with the controversial nature of the items on this morning's markup, I would like to note every bill on the markup agenda has bipartisan support.

President Obama announced his new regulations on power plants on Monday, making a bad deal even worse. These regulations are the product of backroom sue and settle tactics with radical environmental lobbying organizations.

Thirty-two States, including my State of Oklahoma, already oppose them and 15 of the States have already legally challenged them, including my State of Oklahoma. The States will continue to challenge them.

At least 43 States will experience electricity price spikes due to them according to testimony before this committee. They will actually increase global CO2 emissions, sending American jobs and investment overseas to high polluting countries. As they leave the United States, they go to countries where there are no regulations and obviously would have the effect of increasing not decreasing CO2 emissions.

They were characterized by Obama's own constitutional law professor in a hearing we held. He said, "Burning the Constitution of the United States should not be a part of the national energy policy."

According to testimony before this committee from the former Sierra Club General Counsel, they rest on dubious legal grounds. According to testimony by the National Black Chamber of Commerce also before this committee, they will "increase Black poverty by 23 percent, Hispanic poverty by 26 percent and result in 7 million job losses for African-Americans and nearly 12 million for Hispanics by 2035. They rely even less on natural gas and give only marginal credit for new nuclear capacity." Finally, according to EPA officials in two hearings before this committee, all of them will not affect global CO2 levels.

This is not a good deal for the American people. I thank Senator Capito for drafting S. 1324, the Affordable Reliable Energy Now Act of 2015 to address these problems. Her bill sends the EPA back to the drawing board and provides a host of new requirements that will ensure future proposals actually improve the environment in a balanced and healthy way.

Her bill increases transparency, protects the role of States and provides certainty to the regulated community. Finally, it protects energy consumers from industrial manufacturers to the kitchen table from unnecessary costs and unjustified price increases.

Additionally, the markup agenda includes measures to reauthorize the grant making estuary program and address

duplicative regulatory requirements concerning pesticide use. We are actually siding with the EPA on this one.

Finally, the agenda includes a measure to continue the use of Pittman-Robertson interest payments as additional funds for conservation efforts, names courthouses and a segment of the interstate in Texas after accomplished Americans.

The agenda considers four GSA resolutions which will save Americans well over \$100 million and eliminate tens of millions in cost from potential and current leases.

Everything on the agenda has bipartisan support.

We have votes starting at 10:30 a.m., so we are going to rush through and see how far we can get by 10:45 a.m. Who knows, we might be able to finish.

Senator Boxer?

[The prepared statement of Senator Inhofe follows:]

STATEMENT OF THE HONORABLE BARBARA BOXER, A UNITED STATES  
SENATOR FROM THE STATE OF CALIFORNIA

Senator Boxer. I doubt that, but I would say we are here today to consider several bills. Most of them are noncontroversial. Two of them, I believe I do speak for my side. By the way, they may be bipartisan but not in this committee, not in this committee.

Two of these bills, S. 1324 and S. 1500, are extremely harmful to the people we represent. S. 1324 blocks the President's Clean Power Plan and allows States to opt out of complying with any future plan. The bill creates giant loopholes, making it nearly impossible to take any meaningful action to address climate change and reduce harmful carbon pollution which hurts our families.

We know if we turn away from the President's Clean Power Plan we not only move toward the most devastating impacts of climate change. We are already seeing them. My State has never had such raging wildfires, which I see the Senators from Oregon, Washington and California all predicted, due to climate change. We have droughts which were all predicted due to climate change.

Those who deny it and try to stop our progress, as this one bill does, are on the wrong side of history and will have to answer to future generations if their view prevails, which I hope it does not. It will on this committee, there is no doubt

about that.

Why would we want to do something that would mean up to 90,000 more asthma attacks, 1,700 more heart attacks, 3,600 more premature deaths and 300,000 more missed days at school and work? Why would we want to do that in the Environment Committee?

We have letters in opposition to this bill from dozens and dozens of public health, business, environmental and religious groups. I ask unanimous consent for these groups to be put in the record against the Capito bill. These are groups you would want on your side, American public health, religious organizations, all opposed to that bill.

Senator Inhofe. Without objection.

[The referenced information follows:]

Senator Boxer. Thanks.

The second controversial bill, S. 1500, would end the requirement that you need to get a Clean Water Act permit if you are spraying pesticides into a body of water. Just think about it.

The sole purpose of a pesticide is to kill something, whether it is an insect or a weed. When pesticides get into bodies of water where our children swim and waterways that provide drinking water to our families, we are exposing people to substances known to be toxic. Pesticides have been linked to a wide range of damaging health impacts including irritation of the skin and eyes, damage to the nervous system and other harm to pregnant women, infants and children.

Pesticides can also be human carcinogens. The negative effects on the environment, including fisheries, have been well documented. Over a billion pounds of pesticides are used annually in the United States. The U.S. Geological Survey found that 61 percent of agricultural streams and 90 percent of urban streams are contaminated with one or more pesticides.

Pesticide pollution is a problem. What is the answer? Just spray away, that is what my Republican friends say, spray away and do not worry about getting a clean water permit.

The Clean Water Act permit has been in place since 2011. No one has complained that it has stopped the use of pesticides

but it ensures that pesticides are used in a responsible way that reduces contamination of our streams, rivers and lakes.

Why on earth do you need to repeal this public health safeguard? I do not know what we are here for. Honestly, I wonder.

The answer is we should not do this. That is why a broad range of groups, including Republican basic supporters, commercial fishermen, public health and environmental organizations have written in opposition to this legislation to exempt pesticides from the Clean Water Act.

I ask unanimous consent to place these letters into the record.

Senator Inhofe. Without objection.

[The referenced information follows:]

Senator Boxer. In closing, it shocks me that this committee, the Environment and Public Works Committee, on public works we work as a team, but on the environment, we go back into our corners. It is hard for me to see this committee, which was led by Republicans and Democrats who believed that protecting the environment is our charge, could lead the charge against a clean and healthy environment. It does not make any sense.

These bills will be reported today. We know we do not have the votes to stop you and they are not bipartisan in this committee, but I know there will be strong opposition on the Floor of the Senate. I hope they never see the light of day.

[The prepared statement of Senator Boxer follows:]

Senator Inhofe. On that happy note, we have good news and that is the vote has been moved to 2:00 o'clock so we will be able to stay here until the bitter end.

As a reminder, a quorum of 11 would be needed to report legislation. A quorum of seven is needed for amendments. Let us try to hang around.

As usual, I will ask members to seek recognition on each amendment as they come up. We will hear the amendments and there are quite a few as I understand.

We will start with S. 1324, the ARENA Act. I will recognize Senator Capito.

Senator Capito. Thank you, Mr. Chairman.

I would like to begin by saying I know there are passions on both sides of this issue. I think the passion I have on my side of this issue is just as heartfelt, sincere and driven by the people I represent every day. I thank you for holding the hearing.

This bill is bipartisan. It has 35 co-sponsors, including Leader McConnell and all my fellow Republicans on this committee.

The ARENA Act is strongly supported by the Partnership for A Better Energy Future, whose members include: the National Association of Manufacturers, the Chamber of Commerce, the American Farm Bureau Association, the National Mining

Association and the Home Boaters Association.

The ARENA Act is not just supported by businesses. We also have strong support in the labor community. There are letters of support I would like to submit for the record from the United Mineworkers of America, the International Brotherhood of Boilermakers and the Utility Workers Union.

Senator Inhofe. Without objection.

[The referenced information follows:]

Senator Capito. Thank you.

As we all know, on Monday, President Obama and his Environmental Protection Agency announced their final clean power grab. It proposes benchmarks that are more stringent and less attainable.

We used my State of West Virginia as an example. Our emissions rate under the proposed rule was to drop approximately 20 percent. The final rule requires our rate to drop by nearly 37 percent, a drop that is almost twice as severe.

In my view, this is why we need the ARENA Act now more than ever. I am going to explain four basic tenets of the ARENA Act and we will move to consideration.

First, for new power plants, the bill prevents EPA from mandating use of unproven technology. The President talks about CCS and uses an example of CCS that is not economical or technologically feasible.

Before EPA can set a technologically-based standard for new power plants, I think the standard must first be achieved for at least one year at six different power facilities throughout the country.

Under ARENA, the best current technologies set the standard for new coal plants, cleaner, more efficient and less emissions.

Second, for existing power plants, the bill delays implementation of the rule pending final judicial review.

States should not have to begin implementing these costly and burdensome plans until an unappealable judicial decision has been reached. In June, we saw under the MATS ruling, the Supreme Court came back and said the EPA did not make careful consideration of the cost.

Third, the bill allows States to opt out to protect ratepayers and electricity reliability. States should not be required to implement a State or federal plan that the State's governor determines would negatively impact economic growth, the reliability of the electricity system or electricity ratepayers.

Fourth, the bill holds EPA accountable by requiring that the agency issue State-specific model plans demonstrating how each State will meet the required greenhouse gas emissions reductions under this rule. Before States can make major and costly changes to meet EPA's proposed targets, EPA should map out a suggested route for each State to reach those targets.

I urge support of this legislation and look forward to the markup.

Thank you, Mr. Chairman.

[The text of S. 1324 follow:]

Senator Inhofe. Thank you, Senator Capito.

Does any Senator seek recognition for amendments to the bill? Senator Markey.

Senator Markey. Thank you very much, Mr. Chairman.

Without question, we are about to begin a historic debate. The President has laid out what is necessary in order to protect our planet, in order to protect the health of those who live on our planet, and those who live in the United States of America.

It is a plan which tries to put in place the preventative measures that are going to be necessary because we know that climate change impacts our economy, our national security and the public health of our citizens, parents, pediatricians, Presidents and Popes, of the risks that we face from climate change. They agree that now is the time for action.

The negative health impacts of climate change are numerous from heat waves.

Senator Inhofe. Senator Markey, which amendment are you addressing now?

Senator Markey. Right now, I am addressing Amendment No. 4.

Senator Inhofe. Amendment No. 4, Markey No. 4.

Senator Markey. The negative health impacts of climate change are numerous heat waves and extreme storms to expanding ranges of dangerous diseases and longer allergy seasons. The

risks to our health from pumping carbon pollution into the air are well known.

This bill would eliminate EPA's ability to address carbon pollution through the Clean Power Plan or essentially any action in the future. It would eliminate EPA's ability to protect public health from reducing carbon pollution from power plants and that is unacceptable.

That is why eight leading medical and health organizations sent a letter yesterday opposing this bill because it would lives at risk by delaying and blocking critical clean air protections.

The groups who sent the letter include the American Lung Association and the Asthma and Allergy Foundation. All of these groups are concerned about the health of those who live in our country.

In June at the legislative hearing we had on this bill, we heard testimony from Dr. Mary Rice. She testified as a doctor, as a Harvard medical researcher who specializes in the health impacts and as the mother of a child with asthma.

From both a personal and professional perspective, she warned of the health risks of climate change. We should heed the Hippocratic Oath of doctors and do no more harm to our climate and to the health of today's children and future generations.

My amendment is very simple. It would prevent this Polluter Protection Plan from coming into effect until a National Carbon Pollution Program is in place that achieves the same health benefits as the Clean Power Plan.

This Polluter Protection Plan will not apply until we have something that avoids, here are the numbers, 3,600 premature deaths per year, 1,700 heart attacks per year, 90,000 asthma attacks per year, 300,000 missed work and school days per year.

To put a fine point on it, if you do not like the Clean Power Plan, then what is your plan to cut carbon pollution and address the negative health impacts of climate change? What is your plan to avoid the asthma, the deaths and the missed work days? What is your plan? Put your plan out here so that we can hear what you are going to do.

The medical community has identified the relationship between the pollution that goes up into the air and the negative consequences especially for children in our society. What is your plan? When is it going to be out here? Who is going to make that plan on your side? When do you begin to be the leaders in protecting the health of the children in our Country?

That is what our amendment calls for in this first vote. This plan stays in place until you have a plan that accomplishes the very same goals to protect the public health in our Country. You cannot deny the scientific correlation between this

pollution and the impacts on the health in our Country. What is your plan?

Mr. Chairman, I ask for an aye vote on this first amendment.

[The text of Markey Amendment No. 4 follow:]

Senator Inhofe. I would only observe, Senator Markey, that Dr. Janet McCabe has testified several times before this committee about the nature of the double counting and there has not been reductions. However, they are due to other pollutants as opposed to this.

Senator Capito, did you want to respond?

Senator Capito. I think certainly the health of our children is upmost in all of our minds. To think we would not want to have policies that move forward to keep our children healthy is a smokescreen of some sort.

I would say when I look at what the employment numbers will be in our State, the thousands of jobs we have already lost that are plunging people into deep poverty, poverty is a contributor to ill health all across the country for our children.

I think there are costs and benefits to everything. I think in this case it is more cost than benefit in terms of keeping people working, keeping families together, keeping people insured that have insurance through their employer, all those things that help keep children healthier.

I think there are lots of things we can do to eliminate asthma and other lung diseases around the Country. We have looked at eliminating other particulates. I think that has done some good work.

I would oppose the gentleman's amendment. I think it is

more cost and less effect.

Senator Inhofe. Others who want to be heard? Senator Boxer?

Senator Boxer. Thank you.

If my friend is sincere about wanting to reduce health problems, she should support Senator Markey. He says your bill is fine but not now because it does not address the facts.

Maybe my friend, and I know she cares about kids as much as I do, needs to follow the leadership of people who spend their life every day protecting kids. They wrote to us. They do not like your bill and they urge us to oppose it.

They are the Allergy and Asthma Network, the American Lung Association, the American Public Health Association, the American Thoracic Society which deals with heart issues, the Asthma and Allergy Foundation of America, Health Care Without Harm, the National Association of County and City Health Officials, the National Environmental Health Association, the Trust for America's Health. I could go on for pages and pages.

The fact is the experts are telling us that your bill poses terrible health impacts for our children and our families. You can say poverty is worse. You know what, poverty is terrible. That is why a lot of us who worked on moving to clean energy have worked to make sure that coal miners get the help they need in transitioning.

If you look at my State, the biggest job growth is in clean energy. Guess what, those are great paying jobs that cannot be outsourced. They are safe for the workers. They do not have to breathe in coal dust and all the rest, so get with it.

I think Senator Markey had a brilliant speech on the Floor, and Senators Whitehouse and Schatz. One of the things they said is if we had this attitude about moving forward, moving to new and innovative technologies, we would not have the cell phone, we would not have the computer, and we would not even have the automobile. We would still be driving around with a horse and buggy.

The time for clean energy is now. The health impacts of some of the old energy are serious. I think your bill drags us backwards. I hope that we will support Senator Markey's amendment.

Senator Inhofe. Others who want to be heard?

Senator Whitehouse. Mr. President?

Senator Inhofe. Senator Whitehouse.

Senator Whitehouse. Thank you, Mr. Chairman.

Senator Inhofe. President of what?

Senator Whitehouse. You are the Presiding Officer or the Chairman of the committee right now, Mr. Chairman.

I would ask that we not consider the health concerns that folks on my side of the aisle have about this measure which

would delay the implementation of the plan and therefore create worse health conditions as a smokescreen. I do not think that is fair and I do not think it is accurate.

Rhode Island has been a downwind State from the coal polluters for a long, long time. Just last week we had another bad air day. It was a bad air day in which infants, seniors and people with breathing conditions were urged to stay indoors and people were urged to avoid vigorous outdoor activity.

That is what happened in my State. There is nothing we can do about it. That happened in my State because the pollution from these coal power plants goes up into the air and it bakes in the heat, so the carbon does make a difference because it does warm the planet. That is undisputable, I think. In that, it becomes ozone and then ozone creates asthma.

Our health officials are very clear in Rhode Island that this ozone problem is actually putting kids in the hospital. That is no smokescreen. That is a very legitimate concern that I have about this.

My experience, to address another point, is that this is going to be economically harmful. In my experience, because Rhode Island is a participant in the Regional Greenhouse Gas Initiative, is that it actually has been good for our economy.

Objective reports have come out and said it has strengthened the New England economy to participate in the

Regional Greenhouse Gas Initiative. We have the numbers for job growth, economic growth and utility costs are down.

From my experience, the threat this is going to be an economic harm that is going to cause poverty runs exactly contrary to the experience we have had in the Northeast of implementing a cap and trade program, of bringing those revenues back into the State and of allowing them to lower utility costs by investing in efficiency which is hard to otherwise invest in.

I will make one last point. On the Floor yesterday, I used the chart of the electric power mix of the State of Kentucky. Do you know what it looks like? It is virtually a 100 percent wall of coal.

If you look at the solar and the wind proportion of it, it is so small across the very tippy top of the line, a tiny little green line, you actually have to use a magnifying glass to see it. They say the sun shines bright on my old Kentucky home; where is the solar?

Iowa, which has two Republican Senators, gets 30 percent of its power from wind. Kentucky has wind. The issue here is not that it is difficult to do; the issue here is that some States have not even tried.

I cannot tell you how hurtful it is when I have Rhode Island kids going to the emergency room because of asthma, when I have Rhode Island coastlines seeing 10 inches of sea level

rise, when I have Rhode Island's fishing industry being disrupted by the warming of Narragansett Bay three to four degrees, completely disrupting the winter flounder fishing which was important to our fishermen, from States that have not even tried, when all the evidence about what happens when you try is that it is good for your economy, I find these arguments hard to take.

We feel the health effects. We are the downwind States. We are the coastal States. It is really happening to us. I urge a no vote. Please, nobody even tried.

I respect the proponent of this legislation. I respect her view that we are sincere in our views but there was zero effort to try to accommodate any of our views. This is a pure partisan effort in this committee to simply roll us.

I know we are going to get rolled but do not pretend that any effort was made to substantively try to address the real health concerns we see in Rhode Island, the real ocean concerns that we see in Rhode Island and the real climate concerns that we see in Rhode Island.

Senator Inhofe. Thank you, Senator Whitehouse.

The Chair would observe that the total percentage of the mix when you combine air, wind and solar, it is only 5 percent after all the subsidies that are out there and the public input.

Senator Cardin.

Senator Cardin. Mr. Chairman, let me take this opportunity on the Markey Amendment for my support, my opposition to the underlying bill and to make my comments on the Markey Amendment.

I agree completely with Senator Markey in regard to the Clean Power Plan as being critically important to the health of our constituents. The dollar values of the health savings alone should cause all of us to understand how important clean air is to the health of our children and our families.

The number of additional health care visits and the number of work days lost by parents have all been documented and there is no question about the health risks involved if we do not move forward with the power plant rules.

I also want to add to Senator Whitehouse's statement. Maryland has gone through this. We have set up a plan to reduce our greenhouse gas emissions by 25 percent by 2020 compared to our 2006 levels. As Senator Whitehouse said, you can go by example of States that have moved forward on these plans. We are about 40 percent to that level, by the way.

At the same time that we have moved forward on reducing greenhouse gas emissions, we have shown a very positive effect on our economy and documented savings to the consumers. Our utility costs have actually been savings, not additional costs.

The examples in the Northeast of the States that have taken action have seen positive to our economies, produced cleaner air

and has also added to an important national security issue. We have heard from our military people the effect climate change is having on our national security. This is a win-win-win situation if you just allow us to go forward.

I would hope Congress would want to be a positive partner with the Administration in helping to achieve the goals of reducing our greenhouse gas emissions and much more reliance on alternative renewable energy sources. Instead, this bill moves us in the wrong direction.

For that reason, I strongly support Senator Markey's efforts and will oppose the bill.

I will yield to my colleague.

Senator Markey. Thank you.

The Senator from West Virginia said that my amendment is a smokescreen. It is a smokescreen. It is intended to screen off the lungs of the children in America from the smoke coming out of these polluting utilities.

On the other hand, the bill that we have here today is a screen to protect polluters' profits so that they can continue to send their smoke up into the sky. This is really what the debate is all about, who is really trying to protect with a screen of lungs of the children.

Once again, I ask for an aye vote. I thank the Senator for yielding.

Senator Inhofe. Senator Gillibrand, did you want to be heard before we go to a vote on the Markey Amendment?

Senator Gillibrand. No, I would like to be heard after the vote.

Senator Inhofe. All right. Is there a motion on the amendment?

Senator Markey. Motion.

Senator Boxer. Second.

Senator Inhofe. There is a motion and a second.

Senator Markey. I request a roll call.

Senator Inhofe. The Clerk will call the roll.

The Clerk. Mr. Barrasso?

Senator Barrasso. No.

The Clerk. Mr. Booker?

Senator Boxer. Aye by proxy.

The Clerk. Mr. Boozman?

Senator Boozman. No.

The Clerk. Mrs. Boxer?

Senator Boxer. Aye.

The Clerk. Mrs. Capito?

Senator Capito. No.

The Clerk. Mr. Cardin?

Senator Cardin. Aye.

The Clerk. Mr. Carper?

Senator Carper. Aye.

The Clerk. Mr. Crapo?

Senator Inhofe. No by proxy.

The Clerk. Mrs. Fischer?

Senator Fischer. No.

The Clerk. Mrs. Gillibrand?

Senator Gillibrand. Aye.

The Clerk. Mr. Markey?

Senator Markey. Aye.

The Clerk. Mr. Merkley?

Senator Merkley. Aye.

The Clerk. Mr. Rounds?

Senator Rounds. No.

The Clerk. Mr. Sanders?

Senator Boxer. Aye by proxy.

The Clerk. Mr. Sessions?

Senator Inhofe. No by proxy.

The Clerk. Mr. Sullivan?

Senator Inhofe. No by proxy.

The Clerk. Mr. Vitter?

Senator Vitter. No.

The Clerk. Mr. Whitehouse?

Senator Whitehouse. Aye.

The Clerk. Mr. Wicker?

Senator Wicker. No.

The Clerk. Mr. Chairman.

Senator Inhofe. No.

The Clerk. Mr. Chairman, the yeas are 9 and the nays are 11.

Senator Inhofe. The amendment is not agreed to.

Are there other amendments that want to be heard?

Senator Gillibrand.

Senator Gillibrand. I would like to call up my amendment, Gillibrand-Markey No. 1 to S. 1324.

Obviously climate change is real, it is here and humans have a very significant role to play in it. Despite the overwhelming science showing that climate change poses a real threat to our communities, the majority in the Senate continues to oppose doing anything meaningful to stop climate change or to reduce our carbon emissions.

The truth is that New York does not have that luxury. Two and a half years ago, Superstorm Sandy devastated large parts of the East Coast including my home State of New York. Superstorm Sandy resulted in the deaths of 117 people in the United States and caused more than \$60 billion in damages.

That storm came just a year after two other devastating storm, Hurricane Irene and Tropical Storm Lee, which also ravaged the Northeast. In just over two years, we had three

major tropical storms in New York, three of these storms in two years. Think about that. The storm of the century is becoming the storm of the year.

New York has over 1,800 miles of shoreline and the coastal water has risen at least one foot since 1900. Our shoreline is home to more than half of all New Yorkers. If we do not act soon, we could see additional sea level rise of four feet by the year 2100.

We have the responsibility as a committee to act. We have the responsibility to act against the increased frequency and heightened intensity of flood damage and storm surge damage not only to our communities and our infrastructure but to the critical ecosystems that buffer against floods and protect our drinking water.

We have to act against increased erosion of beaches and shoreline, against inundation of low lying areas by rising sea levels and we need to protect ourselves from salt water intrusion into freshwater aquifers that serve our communities as our drinking water.

My amendment looks to protect the 39 percent of Americans who live in coastal shoreline counties by ensuring this legislation will not be implemented if the EPA Administrator, the Commerce Secretary and the Interior Secretary determine it will contribute to an increase in sea level rise and coastal

erosion.

We have a fundamental responsibility in this committee to protect our communities from the harm caused by human made climate change. This amendment would ensure that nothing we do going forward will accelerate the rise of sea level on America's coasts.

I urge my colleagues to support this amendment. I request a roll call.

[The text of Gillibrand-Markey Amendment No. 1 follows:]

Senator Inhofe. Thank you, Senator Gillibrand.

I would just observe that talking about climate change, we have had a lot of committees to do that and that is not what we are doing today. We have under consideration several pieces of legislation and GSAs. Now we are on the Capito amendment.

Do others want to be heard on the Gillibrand amendment?

Senator Carper.

Senator Carper. Thanks so much.

Some of you come to our States during the course of the year and some of you come especially during the summer. We are blessed with I think more five star beaches than any State in America. One of them is called Rehoboth, which literally translates in the Bible to mean room for all. We think that would include everyone in this room and beyond.

When you drive north from Rehoboth maybe 20 miles or so, you come to a place called Prime Hook Beach. Prime Hook Beach is right next door to the Prime Hook Natural Wildlife Refuge, a beautiful, large piece of land with all kinds of national treasures, fish and wildlife.

It used to be you could get to Prime Hook Beach by driving north from Rehoboth up the coast. You could also come from the inland part of our State. There is a road called Pine Hook Beach Road. You can get off State Road 1 in the central part of the State and head east toward the Delaware Bay and drive right

along Prime Hook National Wildlife Refuge and you get to the water, end up right at the water's edge. That is the Delaware Bay.

It used to be you did not get right to the water. You would actually get to a parking lot. People would park their cars, trucks or boats and then fish, go clamming, whatever they wanted to do for recreation. At the end of the day, they would go back to the parking lot, get their vehicles and boats, head out and go home.

Today, when you get to where the parking lot used to be, there is not a parking lot. It is just water. The reason it is just water is, the parking lot is down there but it is under the water, but it is water. It is the Delaware Bay.

Someone showed me a photograph a couple years ago standing on Prime Hook at the parking lot, looking out in the Delaware Bay. As you looked east toward New Jersey at about 1:00 or 2:00 o'clock was a concrete bunker sticking up out of the water. This was in 1947, the year I was born.

Today, if you look out at the water, the bunker is not there anymore. It used to be about 500 feet west of the dune line inland. Today, it is under water. You cannot see it. You just cannot see it at all.

Senator Boxer and I like to trade music lyrics. One I have used to describe this sensation is looking out where the bunker

used to be, 500 feet inland to the west, and looking out there knowing it is somewhere under water reminds me of the old Steven Sills song, "Something is happening here, just what it is ain't exactly clear."

For us in Delaware, we are the lowest lying State in America, think about that. We are the lowest lying State in America. Our economy is strong in a couple different ways. One of the three or four pillars our economy stands on is tourism. A big reason why people come to Delaware is because we have these five star beaches.

The way things are going, if we are not careful, we will have those five star beaches but they will be under water too, just like our concrete bunker and just like that parking lot.

I would say for us in the State of Delaware, this is real. It is a matter of great concern for us. I hope as we consider this issue and this vote on the Gillibrand Amendment, we will keep that in mind.

Thank you.

Senator Inhofe. Is there a motion on the Gillibrand Amendment?

Senator Markey. Mr. Chairman?

Senator Inhofe. Senator Markey?

Senator Markey. Thank you.

I rise in support of the Gillibrand Amendment just to say

this that the rise in sea level is undeniable. It is measurable. It is not something that is complicated. We know it is going on.

We each know how grateful we feel that Superstorm Sandy did not hit our State because if it had, it would have caused catastrophic damage in our States as it did to New Jersey.

The sum and case on this issue is the suit that was brought by the State of Massachusetts versus the EPA. It is called Massachusetts v. EPA. That is the Supreme Court decision in 2007 that set us on this course.

At question in that Supreme Court decision was the question of whether or not there was an increasing and dangerous increase in the erosion of the shoreline of Massachusetts. The Supreme Court ruled that there was and that the EPA had a responsibility to do something to reduce the likelihood that there would be an increase in the danger. That is why we are here.

We are here because we know it is happening. We know it is happening in Massachusetts but we know it is happening in every coastal State in our Country.

The Gillibrand Amendment just says again, to the Republicans, what is your plan to keep the sea from rising? What is your plan to ensure that the sea does not continue to warm dangerously? What is your plan? We do not see that plan unless you deny the seas are rising, unless you deny the ocean

is warming because that is scientifically inaccurate.

We need to hear your science or your plan to deal with the science we are presenting. I urge an aye vote.

Senator Wicker. Mr. Chairman?

Senator Inhofe. Senator Wicker.

Senator Wicker. I will be happy to defer to Senator Merkley.

Senator Inhofe. We are going back and forth.

Senator Wicker. Clearly we are going to have a long debate about this in the committee and on the Floor.

Senator Inhofe. Let me interrupt you. We have had this debate before. We had Dr. Judith Curry from Georgia who testified.

Senator Wicker. I was going to speak about Dr. Curry.

Let me say this. Senator Vitter was here and has left but I recall a statement he made some two years ago at a hearing of this committee when Senator Boxer was Chairman. The title of the hearing was Climate Change, It Is Happening Now.

As Ranking Member, Senator Vitter pointed out indeed climate change is happening now and has always been happening. I do not think any member of this committee on either side of the dais would argue that the climate is not changing.

The point that Senator Vitter made and that I would make is that the climate has always changed. There is a reason why the

island of Greenland is named Greenland because at one point, it was green and people had farms there. Humankind settled there and grew a crop. The climate changed and we cannot farm in Greenland anymore.

I would simply say there is a great body of science that will tell us, if we will listen, that climate has always been changing and will always change because there are influences beyond the control of humans. We might as well accept that. There are some things Congress cannot do.

The fact is sea level has been rising for the past several thousand years. That is a fact and it can hardly be disputed.

As the Chairman mentioned, Dr. Judith Curry came before the EPW Committee two years ago for a hearing on the President's Climate Action Plan. She discussed sea level rise, testifying that data does not support the IPCC's conclusion that man has substantially contributed to the global mean sea level rise since 1970.

I do not think Dr. Curry would dispute the fact that there are parts of the parking lot in Senator Carper's State that cannot be seen anymore, but she came before this committee as a scientist and a scholarly witness saying there are other reasons that cannot be controlled by Congress or by humankind.

Dr. Curry also pointed out that sea level rise was greater between 1904 and 1953 than between 1954 and 2003. As we have

gotten more industrialized, as we have emitted more carbon dioxide into the atmosphere, actually sea level rise has slowed, since 1954 according to Dr. Curry.

Let me say a couple more things. We have been having storms and hurricanes in the Atlantic Ocean and the Gulf of Mexico since time immemorial. I think there are a lot of scientists who believe that mankind is contributing to climate change who would seriously come before this committee and say it is wrong to say we can blame Superstorm Sandy on that. The jury is far from out on that, even among people who believe completely and wholeheartedly that carbon dioxide is causing this.

I have one other final point to my friend from Massachusetts. He and I have been at this business together for a long time. This legislation has nothing to do with smoke. If we are honest, the President's regulation, the EPA's regulation we are talking about has nothing to do with soot or particulate emissions or smoke.

If Senators want to sit down with me and devise a plan to do an even better job than we have already done of cutting down on soot, smog and smoke, then I am happy to join this. This regulation is about CO<sub>2</sub>, not about the smudgy kind of carbon that messes up your clothes and you see coming out of automobiles.

This is about a colorless, tasteless, necessary part of the atmosphere called carbon dioxide. We can have a debate, my friends across the aisle disagree with me vehemently about this, about what CO<sub>2</sub>, carbon dioxide, is doing to the atmosphere but please do not say this is about smoke, soot or smog or something that causes the air to look hazy as they have in Beijing and other places.

We have done such a good job in the United States of cutting back on that and pretty much conquering that.

This is about carbon dioxide, a tasteless, odorless gas that is essential in photosynthesis. I would just like to point that out.

Senator Boxer. Mr. Chairman?

Senator Inhofe. Senator Boxer.

Senator Boxer. Thank you.

You have just heard a lecture and it is just not true. I am going to put into the record my rebuttal to that. I have on these charts the facts about what has happened to the climate, not that we have seen a slowing of carbon and the rest. Let us just see the facts.

The scientists warned there would be more heavy precipitation and flooding events. Let us look at Texas. In 2015, areas of Texas got 11 inches of rain in 24 hours. The Blanco River rose 33 feet in three hours. It broke the 1929

record by over 7 feet.

In Boston, the National Weather Service data finds all time record for snow within a 14 to 20 and 30 day period. In the Arctic, decreasing polar sea ice, Arctic sea ice area has declined 40 percent since 1978 and thinned more than 50 percent. Average summer temperatures are now higher than any century in more than 44,000 years. It has lost 40 cubic miles of ice every year since 1994.

Volume loss from the Antarctic ice shelves is accelerating. The ice shelf, twice the size of Hawaii, is at imminent risk of collapse posing major sea level threat.

Rising sea levels, which my colleagues have talked about, since the 1990s, sea levels has risen even more rapidly than thought and threaten our coastal communities. Sea level rise over the past century is unmatched by any period in the last 6,000 years.

Who said this? It is not one scientist. It is groups of scientists. Hot extremes are more frequent, NOAA, NASA; hottest year on record, 2014, 2015, first half of year, hottest on record. In 2014, California records hottest year on record by over degrees says NOAA.

In 2014, Australia, towns 320 miles northwest of Sydney hit 118 degrees. In June, India temperatures reached 118 degrees with the death toll reaching 1,800 people.

Areas affected by drought, California drought the worst in 1,200 years. Increase in bigger wildfires, the U.S. has seven times more wildfires over the size of 10,000 acres as compared to the 1970s. Arizona and New Mexico suffer largest wildfires in recorded history.

Hurricanes, Hurricane Sandy strength, as indicated by barometric pressure just before landfall, set a record. Typhoon Haiyan was one of the strongest tropical cyclone. In Vanuatu, Tropical Cyclone Pam was the strongest tropical cyclone.

What are we talking about that things are getting worse? It is just belied by the very facts around us. That is why the polls are showing increasingly that the deniers and people who say, carbon is no problem, it is not a pollutant, the co-benefits of reducing carbon is what has been measured, measured in fewer asthma attacks, fewer heart attacks and fewer missed days of school.

The reason we are taking all this time, Mr. Chairman, is because you have one day after the announcement of this plan to come forward with essentially a repeal. The arguments being made just do not match the facts.

I yield to Senator Markey.

Senator Markey. I thank the Senator from California very much.

Senator Inhofe. I think you should operate through the

Chair. If you seek recognition, I would be glad to recognize you.

Let me just observe we have had hearings on all of this. I can come up with my book of science on this. It is divided. We all know that. We know that. You speak of it as a fact. You speak of it as now the public is aware. Let me tell you what Gallup says.

Gallup said three years ago that climate change or global warming, let us get back to the origins of this, was either the number one or number two concern. Today, it is number 30 out of 31. It is nearly last in terms of the environmental concerns, so it is just not factual.

It does not really matter for the purpose of this committee hearing, however. We have a bill before us and we have an amendment. We need to act on the amendment. Everyone wants to campaign and everyone wants to tell their story.

If it is really just your wish to stall this so we do not have the hearing, then go ahead and say it.

You are recognized.

Senator Markey. I thank you, Mr. Chairman, very much.

First of all, this is the most important debate we are going to have in this committee in 2015 and 2016, so I am not trying to drag out anything. We are just trying to give the proper respect to this issue which it deserves.

We are not going to do anything more important in two years; this is it. This is the most important issue of our time. We are having a big debate here but I think it is only a reflection of how important it is.

Let me just say, one, on the issue of what we are doing with the Clean Power Plan on the issue of disease, the Clean Power Plan reduces SO<sub>2</sub>, sulfur, by 90 percent between now and 2030, a 90 percent reduction.

What does that relate to? That is soot which is tiny particulates that can go into peoples' lungs. That is heart disease.

It also reduces nitrogen oxide by 72 percent. What is that? That is smog and that is asthma. That is 72 percent. That is what this plan does in addition to reducing CO<sub>2</sub> by 32 percent by the year 2030.

On the issue of Greenland, yes, Greenland is 1,000 miles long, pretty much from here down to Miami and about 300 or 400 miles wide. At its densest, it has an ice block which is 10 Empire State Buildings high.

At this point of the year, in Greenland, the warm weather throughout the spring and into the summer creates huge lakes of the melting ice. As the summer goes on, there is an eddying effect, creating moulins that go all the way down to the bottom of those ice blocks as they are being measured now at 3 and 4 on

the Richter scale and ice quakes. As the summer goes on, that water flows down to the bottom of the ice and continues to liquefy that ice as it moves closer to the land.

In the North Atlantic, for Senator Gillibrand, Senator Whitehouse, Senator Cardin or Senator Carper, or I, it is like a glass of water that is already filled. It is filled to the top. If you put an ice cube into that, the water flows over and has no place to go.

It is not like the ice in the Arctic where there is no land and it melts. This is different. That is what Iceland is all about; that is what Alaska is all about. It is what the Antarctic is all about. It is putting the ice cube into the water. What we are seeing is this increase in sea level.

Senator Inhofe. The Chair is going to interrupt you. I am very sorry and I do not like to do this, but we have had hearings on all of this. I could answer everything that you have just asserted and there is another side to it.

However, we have legislation before this committee. We have several bills, GSA, things that really have a timing where we have to get to it. We are not getting anywhere.

If anyone would like to talk specifically or make one short statement about the Gillibrand amendment, we will recognize that person.

Senator Merkley.

Senator Merkley. Thank you very much, Mr. Chairman.

One of the things we can recognize here is that many members on this side of the dais are sea States. We have ocean fronts. I believe that is everyone except for perhaps Bernie Sanders. On the opposite side of the dais, we have primarily non-sea States.

What we are hearing in part is a very clear difference between the experience in our home States. Certainly, Oregon is an ocean State.

This bill says when it is certified that the proposed legislation will not have further impact in damaging our States, it can go into effect. I very much appreciate this because this is something we should all be able to agree on. If the ideas being presented in this particular bill will not further hurt our States, then the path is clear, but if it is going to further hurt our States, then we are exercising our very profound concern for the direct impact.

It has been noted how higher sea level is already occurring in ways that are causing beach erosion, it means storm surges are that much higher and certainly the erosion of the coastal area is a very significant concern in my home State of Oregon as it is to Washington State to the north and to California to the south.

There is also another issue here, which is saltwater

intrusion into the freshwater supplies for our communities. We can stand back and say, how expensive is it to counter all of this? What kind of economic damage is going to be done?

It costs an incredible amount to build seawalls. For every inch of additional seawall, that is a very expensive enterprise. Quite frankly, a storm can take those out. Even if you have a seawall, that does not stop saltwater intrusion into the groundwater.

Now, where is your water going to come from, where are you going to pipe it from? What about your main street? Senator Whitehouse could tell us about standing on a sidewalk down in Florida and at regular high tide when that sidewalk in the past would have been dry but now it is under water. What does that mean for reconstructing entire towns to keep it above water as it continues to grow?

There are vast economic consequences associated with this issue. I think this is a reasonable proposal that we do not implement a plan that will cause further damage.

Senator Inhofe. The Chair is going to cut off the debate at this time.

Senator Gillibrand, what do you want to do with your amendment?

Senator Gillibrand. I would like to call a vote but I just want to close with one point.

We have talked a lot about economic damage and what happens on a sunny day. Let me describe for one minute what happens during the storms.

When Superstorm Sandy hit New York, a 10 foot wall of water came into communities. A mother holding two children lost her handle on her kids and they drowned. This is not an issue about money; this is an issue about lives lost. We have to care about the whole Country.

What you are hearing in this debate is your States are not affected; our States are deeply affected. Please consider the whole Country when you write legislation. I know we tend to vote our interests, I know we tend to vote our States, but this is not just about money.

This is about lives, children taken out of the hands of their mother because the storm surge was 10 feet high and seniors who could not get out of their homes in time who drowned in their beds. This is serious.

I want you to consider what happens in other parts of the Country. It is meaningful. This is not an esoteric debate, it is not a debate about numbers. It is a debate about lives. If you believe our decisions have consequences, please consider all the consequences.

Thank you.

Senator Inhofe. Senator Capito, did you want to respond?

This is your bill.

Senator Capito. Yes, I want to respond to the amendment. It is my understanding that in the Clean Power Plan, we really do not have a measuring device from the White House that tells us how much the coast is not going to rise or how much the temperature is not going to rise.

Actually, in my bill in Section 4(b), I am asking for reporting, specific reporting, so maybe we can put some of these arguments to rest on the factualness. It provides that the EPA Administrator must conduct modeling regarding the impacts of the proposed rule on each of the climate indicators used by the Administrator in developing the proposed rule. We are asking for the facts from the Administrator on all of the different metrics we are talking about here.

I would respond to the Senator from Massachusetts. He said Congress should have this debate. Right, Congress should have this debate. This has been a regulation that has been developed by the Administration.

They say everyone commented, 4 million people commented, yet they do not come to one of the most deeply economically affected States, so yes, we should have this debate. This should be debated on the Floor of both the House and the Senate but that is not the way it is set up right now.

I think this is an opportunity to have debate in the

committee but in the end, the Administration's regulatory prerogative, which the Supreme Court said in June on the MATS rule, they had overreached their authority and had not considered the costs in the MATS rule. That is a fact.

All I am asking for here, I know it is a big ask, is to say let us wait until it works its way through the legalities, let us look at the impacts, have them model the impacts to the environment and talk about the cost benefits. Let us maybe find a better way to go to reach the health challenges, reach the economic challenges and reach the environmental challenges.

I was looking at a chart. In West Virginia, from 2000 to 2011, CO2 emissions are down 16 percent in my State. In the State of Maryland, they are down 17.4 percent. In the State of California, they are down 8.2 percent. In the State of Massachusetts, they are down 18.8 percent.

We are getting there without this large overreach that is going to cause a lot of harm. It is not about money. It is about families too where I live. I understand I do not live on the coast and you live on the coast. I think that is a great point that we need to be made. There is equal passion on both sides.

I would oppose the gentlelady's amendment.

Senator Boxer. Mr. Chairman, may I be heard for less than a minute?

Senator Inhofe. Senator Boxer.

Senator Boxer. Thank you.

Senator Inhofe. At the conclusion of the one minute for Senator Boxer, the Chair is going to cut off debate and ask Senator Gillibrand if she wants to move her amendment.

Senator Whitehouse. May I make a parliamentary inquiry?

Senator Inhofe. Yes, you may.

Senator Whitehouse. I have been in the Senate for nine years. I have sat through quite lengthy committee speeches by members on the other side. I have never been in a committee in which debate has been cut off by the chairman. I do not know what the rule is under which that takes place. This is the first for me in nine years.

Senator Inhofe. I think the chairman has the authority to do that. A very good friend of mine said at one time, elections have consequences. At that time, the Chairman was on the other side of most of the issues we are discussing and we did shorten our amendments.

We have had countless hearings on the subject we are talking about right now. I do not want to be rude, I think you know that, but there has to be conclusion.

If you do not want to vote on any of these bills on the agenda, you can keep talking if we do not cut off debate, but the chairman has that authority. I am using it. If you have

never seen it before, you have seen it now.

Senator Whitehouse. Okay.

Senator Inhofe. Senator Boxer.

Senator Boxer. Thank you.

The Chairman has the right but the committee has the right now to be here.

Senator Inhofe. I fully agree.

Senator Boxer. Let me say, if anyone feels that it is not being done fairly, I am just making the point, it is freedom of each colleague to do what they wish. The Chairman has the right and the colleagues have the right to respond.

I just need to say to my friend from West Virginia, the Clean Air Act requires this Administration to act. All you have to do is read it and read Massachusetts v. EPA. It was very clear that once an endangerment finding is made, that endangerment finding was actually made by the Bush Administration which was able to get a whistleblower to send over the endangerment finding.

Once that endangerment finding is made, people are going to die from the heat, people are going to die from the storms and the emotion you heard from my colleague from New York, you know that is from the heart. I know you know it is from the heart.

This is real to a lot of people. This is not something that is debated about the future. She saw it her State. I am

living it in my State with 23 wildfires and a dead firefighter visiting from another State, bless his heart, who died. This is real to us.

That is why we are acting this way with strong views and feelings, as is my friend.

I am going to conclude. Under the Clean Air Act, this Administration must act. If they do not act, they will be hauled to court. The endangerment finding is out there. Power plants are causing a huge amount of the problem. This is a way forward. I hope my friend understands that.

Senator Inhofe. Thank you, Senator Boxer.

Senator Gillibrand.

Senator Gillibrand. I move the amendment and request a roll call vote.

Senator Inhofe. You move it. Is there a second?

Senator Boxer. Second.

Senator Inhofe. Okay. A roll call has been requested.  
The Clerk will call the roll.

The Clerk. Mr. Barrasso?

Senator Inhofe. No by proxy.

The Clerk. Mr. Booker?

Senator Boxer. Aye by proxy.

The Clerk. Mr. Boozman?

Senator Boozman. No.

The Clerk. Mrs. Boxer?

Senator Boxer. Aye.

The Clerk. Mrs. Capito?

Senator Capito. No.

The Clerk. Mr. Cardin?

Senator Cardin. Aye.

The Clerk. Mr. Carper?

Senator Carper. Aye.

The Clerk. Mr. Crapo?

Senator Crapo. No.

The Clerk. Mrs. Fischer?

Senator Fischer. No.

The Clerk. Mrs. Gillibrand?

Senator Gillibrand. Aye.

The Clerk. Mr. Markey?

Senator Markey. Aye.

The Clerk. Mr. Merkley?

Senator Merkley. Aye.

The Clerk. Mr. Rounds?

Senator Rounds. No.

The Clerk. Mr. Sanders?

Senator Boxer. Aye by proxy.

The Clerk. Mr. Sessions?

Senator Inhofe. No by proxy.

The Clerk. Mr. Sullivan?

Senator Inhofe. No by proxy.

The Clerk. Mr. Vitter?

Senator Inhofe. No by proxy.

The Clerk. Mr. Whitehouse?

Senator Boxer. Aye by proxy.

The Clerk. Mr. Wicker?

Senator Wicker. No.

The Clerk. Mr. Chairman.

Senator Inhofe. No.

Senator Whitehouse. Mr. Chairman, may I be recorded as aye in person?

Senator Inhofe. Yes, you are so recorded.

The Clerk. Mr. Chairman, the yeas are 9 and the nays are 11.

Senator Inhofe. The amendment is not agreed to.

Are there other amendments that want to be heard?

Senator Merkley.

Senator Merkley. This will be Merkley Amendment No. 1.

We have had some discussion about whether or not human activity is contributing to global warming. If it is human activity, it is within our reach to modify our activities. If it is not, as has been asserted here today, then we are in a different world.

I present here today, and that it be filed in the record by unanimous consent, a letter from 18 scientific organizations.

Senator Inhofe. Without objection.

[The referenced information follows:]

Senator Merkley. Thank you very much, Mr. Chairman.

The letter reads like this: "Observations throughout the world make it clear that climate change is occurring and rigorous scientific research demonstrates that greenhouse gases emitted by human activities are the primary driver. These conclusions are based on multiple, independent lines of evidence and contrary assertions are inconsistent with an objective assessment of the vast body of peer-reviewed science.

Moreover, there is strong evidence that ongoing climate change will have broad impacts on society, including the global economy and the environment. For the United States, climate change impacts include sea level rise for coastal States, greater threats of extreme weather and increased risk of regional water scarcity, urban heat waves, western wildfires and the disturbance of biological systems throughout the Country.

The severity of climate change impacts is expected to increase substantially in the coming decades. If we are to avoid the most severe impacts of climate change, emissions of greenhouse gases must be dramatically reduced."

This is from 18 scientific associations: the American Association for the Advancement of Science; the American Chemical Society, not a group you would necessarily expect to be on this list; the American Geophysical Union; the American Institute of Biological Sciences; the American Meteorological

Society; the American Society of Agronomy; the American Society of Plant Biologists; the American Statistical Association; the Association of Ecosystem Research Centers; the Botanical Society of America; the Crop Science Center; the Society of America; the Ecological Society; the Natural Science Collections Alliance; the Organization of Biological Field Stations; the Society for Industrial and Applied Mathematics; the Society of Systematic Biologists; the Soil Science Study of America; and the University Corporation for Atmospheric Research.

In addition, there are many other groups that have weighed in on this fundamental proposition. Those groups include: the American Medical Association; the American Physical Society; the Geological Society of America the U.S. National Academy of Sciences; the U.S. Global Change Research Program; the Intergovernmental Panel on Climate Change; and we could go on with another 200 across the world.

The point is that basically every major scientific organization in the United States and those throughout the world are asserting a clear set of observations that human activity has a direct impact and that direct impact is the warming of the planet. The warming of the planet is going to cause a lot of problems for us.

My amendment simply states, as a finding of this body, that Congress should take under due consideration the advice from

leading scientific institutions in the United States that global warming is real and due to human activity.

I certainly would ask for your support for this.

[The text of Merkley Amendment No. 1 follow:]

Senator Inhofe. The Chair would observe that we have had hearings on this. The scientific community is divided. We talked about Richard Lindzen from MIT, Judith Curry from the Georgia Institute of Technology; Roger Pielke from the University of Colorado; Willie Soon from Harvard Smithsonian Center for Astrophysics; to name a few.

Again, this is Merkley Amendment No. 1. Are there others who want to be heard?

What do you want to do with your amendment, Senator Merkley?

Senator Merkley. I would like to enable my colleagues to share their thoughts on it.

Senator Inhofe. I have asked for those who want to be heard.

Senator Markey.

Senator Markey. I thank you, Mr. Chairman, very much.

I thank the gentleman from Oregon for making this very important amendment.

I would just add that there is a good reason why we are here. There is a good reason why we are talking about regulations. It is this.

We really tried to work on this issue from a legislative perspective. Back in 2009, we began a legislative process to deal with the danger of climate change. We passed legislation

in the House of Representatives in June of 2009.

We said, at the time, to those who deny climate change or do not want anything to be done about it, there was going to be a choice. The choice was going to be legislation or regulation. You had to pick which direction you wanted to go in.

If we worked in a legislative format, then there would be the give and take of a process like this. If that was rejected, then the course of action was going to be regulation from an Administration that said it was committed to working from a regulatory perspective.

The legislative approach was rejected by the Republicans, just rejected, even though that bill, Waxman-Markey, had \$200 billion in it for carbon capture and sequestration. Can I say that again? For the coal industry, we built in \$200 billion for the coal industry for carbon capture and sequestration.

The Republican side said, no, we do not want any legislation. Fine, that is your choice, but we also said to them, simultaneously, the only alternative is regulation. That is where we are today.

That was the choice of the climate deniers or those who do not want any legislation to pass at all or for anything to be done about it because there is no alternative that has ever been presented by the other side. That is why we are here.

We are here because of a choice made by the Republican side

of the aisle. We should be debating legislation, not legislation to stop the regulation but legislation to do something about climate change. That has not been forthcoming from the Republican side thus far. That is why we are in this debate.

The only sentiment that we hear from the Republican side is that they do not want to do anything. I think Senator Merkley's amendment once again highlights the danger of going forward in the scientific consensus that has been developed, not only in our country, but around the world.

Every single National Academy of Sciences of every single country in the world agrees that humans are causing a substantial part of the dangers of global warming and we have a responsibility to do something about it.

Senator Inhofe. We have debated this many, many times. The Chair feels you are wrong on that and you understand. You and I know the issue very well. It is debatable. We have had hearings on this. Science is mixed on this.

Senator Merkley, what do you want to do with your amendment?

Senator Boxer. May I be heard?

Senator Inhofe. You guys can be heard. The Chair is going to take the prerogative and make a statement here.

If you do not want to continue with this hearing, I would

observe that Senator Whitehouse has an amendment. You have an amendment on the other two.

Senator Whitehouse. I have an amendment on the other two.

Senator Inhofe. We have other issues and other bills we are considering. You have a bill, as I recall, don't you, Senator Whitehouse?

Senator Whitehouse. I do.

Senator Inhofe. If you just want to stop everything, we can do that. The Chair could have the prerogative of being real nasty and limiting debate on each one of these. I am not going to do that. I am fully aware if you want to stop this hearing, you can stop it just by stalling and by using your time.

Senator Whitehouse. Mr. Chairman, if I might respond to that.

Senator Inhofe. Yes, go ahead.

Senator Whitehouse. I have absolutely no desire to stop the hearing. I would like to have this be a full, thorough airing of the issues raised by this legislation. That is what mark ups are ordinarily for.

I do not think when you look at the effects on Rhode Island of what we are talking about here, the last one, Mr. Chairman, was on sea level rise. Here is a photo of Carpenter's Beach in Rhode Island where peoples' homes were blown to smithereens and thrown into the ocean by Sandy. These are people who had their

houses along that shore all their lives.

One lady was there as a little kid. She remembers her yard, the road beyond her yard, the parking lot beyond the road and the long run down to the water where in the summer sun the sand would get so hot that she had to hop across the sand.

Now she is a grandmother. That was one of the houses that went into the water. All of that is gone.

This is an issue that is important to our States, Mr. Chairman. I do not think one morning's debate on an issue of this importance to our State is frankly asking too much.

If you look back in history in the Senate, when we worked on real legislation in committee, often that committee work went on for days, for weeks. I hope one morning is not too much for this committee to devote to an issue that means so much to us.

Senator Inhofe. Again, the Chair observes we have had many, many hearings on this. This is a markup.

Senator Boxer?

Senator Boxer. Thank you, Mr. Chairman.

I would like to vote on this because I think this is a vote the American people deserve. Let me comment for a minute on something you said.

Scientists are divided. You are right; 97 percent of them say, climate change is real and human activity is the primary cause. The others, most of whom work for the oil companies, say

it is not happening.

I just want to close my comments with this. If we went to the doctor, all of us know, and the doctor said you have serious cancer, you need an immediate operation, male or female, whoever we are, or if it happened to one of our loved ones, we would say this is crazy, I want a second opinion, and you got one.

That doctor said the same thing and you got another one. You went to ten doctors and nine of them said immediate surgery. One says, I do not think this is really happening. You are going to listen to the nine.

All this stuff about I am not a scientist, which thank the Lord, we did not hear that today, that was the old saw. Of course we are not. Maybe a couple of us are, but not many. That is why we need to listen to 97 percent of the scientists and discount the ones who work for the oil companies. That would leave about 1 percent. This is serious.

I want to commend my friend. I want this vote on the record. I want to know if our colleagues believe that climate change is happening and human activity is the primary cause. If they vote no, they are siding with 3 percent of the scientists versus 97 percent. They are siding against the American people.

Senator Inhofe. Thank you, Senator Boxer.

Without objection, I am going to put into the record an article written by scientists called The Myth of Climate Change,

97 Percent. It was in the Wall Street Journal.

[The referenced information follows:]

Senator Inhofe. Also, fortunately the people out there are a lot smarter than people think they are. Without objection, I want to introduce into the record the poll I referred to a minute ago.

[The referenced information follows:]

Senator Inhofe. The Gallup Poll dated March 12, 2015 shows that of the 15 greatest concerns of American people, dead last is climate change.

Senator Merkley, do you want to move?

Senator Merkley. Yes, I will close my comments if no one wants to speak. Do you want to speak?

Senator Whitehouse. I wanted to make a point to Senator Merkley's amendment. Senator Merkley's amendment says the following: "Congress should take under due consideration advice from the leading scientific institutions in the United States."

I agree with our Ranking Member that the scientific debate on the core principles of climate change is essentially over at this point. There are always strays that can be found around the margins and clearly the majority side in this committee has made a very persistent effort to try to round up those strays and make them look like they are creating a real division in the science.

One scientist does not a consensus make. If you want to look at the consensus, I think it is worth looking for the consensus of the scientific entities that we all support, the ones that we pay for. That suggests, first of all, many of the members here have the good fortune, Rhode Island does not have this good fortune, to have a national lab in their home State.

If you asked the national labs, none of them have any doubt

that climate change is real and it is happening. I have been to some of them. I have reviewed the materials they put out. They are studying what is happening to us a result of climate change. That is our national labs.

Look at NOAA, we trust NOAA for the weather. NOAA is absolutely clear that climate change is happening, that the science is real and that the dispute is not meaningful scientifically, not from the point of view of making intelligent, prudent risk decisions for the American public.

NASA could not be more clear on this. They run satellites that actually do a lot of the measuring of the changes that are actually happening on the surface of the world.

We can deny that NASA's science is real or we can say that NASA's scientists are in on a hoax but the fact of the matter is they have a rover driving around on Mars. That is an amazing human accomplishment. They just shot by Pluto and took pictures of Pluto. These are pretty serious scientists.

Senator Inhofe. Senator Whitehouse, I appreciate the fact you have a lot of passion on this issue, but I also appreciate the fact we have had many hearings on this. There are many scientists on both sides, I understand that, but that is not the issue here. We have the Merkley Amendment.

Senator Whitehouse. It is, Mr. Chairman.

Senator Inhofe. I also will observe that the Minority can

very well take all the time they want. I could stop it but I am trying to be fair. We have been on this now for a couple hours. We are still on the first bill. We have seven we are considering today along with GSA reports.

You can probably stay with this and stop this hearing but I am going to try my best to continue the hearing and get to the other bills for consideration.

We have the Merkley Amendment before us. Is there a motion on the Merkley Amendment?

Senator Whitehouse. Does that mean the Chair has rescinded my recognition because I had the floor a minute ago and I was commenting on this particular amendment.

Senator Inhofe. All right, continue.

Senator Whitehouse. Thank you.

The other group I think is worth listening to on this is the United States Navy. We pay for them. They keep bases all around the Country and see what is happening. I think the focus is important on the leading scientific institutions because as Senator Merkley pointed out, leading scientific institutions are unanimous.

I would add that all you have to do is go to home State universities and you will find it is the same. There is a thing called Google that we have all discovered around here. If you go to the University of Mississippi website, the Senator from

Mississippi talked about sea level rise a minute ago, and search within that website for sea level rise climate change, you see some pretty significant work at the University of Mississippi on the connection between sea level and climate change.

The Gulf Coast is particularly vulnerable to sea level rise and coastal storms. "Sea level rise is arguably the most critical component of climate change affecting Virginia today." That is an Ole Miss publication.

I think if we start listening to the scientific institutions, particularly our home State universities, including the University of Oklahoma, Mr. Chairman. Berrien Moore is the Dean at your university. He has participated in this and understands this.

I think we will have a much better focus than if we are grabbing strays, many of whom have financial connections to the polluting industry and trying to pretend that they create a legitimate alternative debate.

I yield back my time and I appreciate the Chairman's courtesy.

Senator Inhofe. Do you have a motion?

Senator Merkley. Yes. When I opened my statement, I described the background but I want to explain why it is so important to me.

In my home State, we have our rural resources under direct

attack by changing climate. If you look at the forests, we have not only the vast growth of the Pine Beetle but we have a fire season that has increased by 60 days in 40 years. That is a day and a half for every year.

Our State is, on average, aflame more and more each year. I know that California is having the same experience. This has a huge impact on our rural communities and our logging and timber communities.

We have also a huge impact on our fishing world. Right now there is a die off of hundreds of thousands of sockeye salmon as they are going from the Columbia to the Snake River because the average temperature is 6 degrees higher than it usually is. The fish cannot tolerate it.

We have very, very small streams coming out of the Cascades because the glaciers and snow pack have disappeared from the Cascades, the result being that if you care about fishing for trout, you have very warm, very small streams. That is not healthy.

If you care about the shellfish industry, the increasing acidity of the Pacific Ocean is affecting our shellfish and reproduction of our oysters. If you care about farming, our entire Klamath agricultural basin is in drought and has been in three of the worse ever droughts in a period of about a decade and a half.

My point is that, it is not just sea level rise. It is affecting timber, farming, fishing, and shellfish. This is profoundly important. It is why I want us to listen to the advice of the leading scientific institutions.

Thank you, Mr. Chairman.

Senator Inhofe. Do you have a motion?

Senator Merkley. My motion is to adopt Merkley Amendment No. 1.

Senator Boxer. I would like to put something in the record. I will take me 25 seconds. It is in answer to your poll. This is a series of polls. The top one is Stanford.

A Stanford poll in January of this year found 83 percent of Americans, including 61 percent of Republicans, say if nothing is done to reduce emissions, global warming will be a serious problem and the Federal Government should be doing a substantial amount to combat climate change. That is why I support the Merkley Amendment.

May I put this in the record?

Senator Inhofe. We will make that a part of the record.

[The referenced information follows:]

Senator Inhofe. I assume you want a vote?

Senator Merkley. Yes, please, Mr. Chairman.

Senator Inhofe. The Clerk will call the roll.

The Clerk. Mr. Barrasso?

Senator Barrasso. No.

The Clerk. Mr. Booker?

Senator Boxer. Aye by proxy.

The Clerk. Mr. Boozman?

Senator Boozman. No.

The Clerk. Mrs. Boxer?

Senator Boxer. Aye.

The Clerk. Mrs. Capito?

Senator Capito. No.

The Clerk. Mr. Cardin?

Senator Boxer. Aye by proxy.

The Clerk. Mr. Carper?

Senator Carper. Aye.

The Clerk. Mr. Crapo?

Senator Inhofe. No by proxy.

The Clerk. Mrs. Fischer?

Senator Fischer. No.

The Clerk. Mrs. Gillibrand?

Senator Boxer. Aye by proxy.

The Clerk. Mr. Markey?

Senator Markey. Aye.

The Clerk. Mr. Merkley?

Senator Merkley. Aye.

The Clerk. Mr. Rounds?

Senator Rounds. No.

The Clerk. Mr. Sanders?

Senator Boxer. Aye by proxy.

The Clerk. Mr. Sessions?

Senator Inhofe. No by proxy.

The Clerk. Mr. Sullivan?

Senator Inhofe. No by proxy.

The Clerk. Mr. Vitter?

Senator Inhofe. No by proxy.

The Clerk. Mr. Whitehouse?

Senator Whitehouse. Aye.

The Clerk. Mr. Wicker?

Senator Inhofe. No by proxy.

The Clerk. Mr. Chairman.

Senator Inhofe. No.

The Clerk. Mr. Chairman, the yeas are 9 and the nays are  
11.

Senator Inhofe. The amendment fails.

At this point, I would like to recognize, for a change, one  
of the Republicans, to make a comment. Senator Barrasso, do you

have a comment to make about the proceeding?

Senator Barrasso. Thank you very much, Mr. Chairman.

To the point of the Senator from Massachusetts who said, where is your plan, under Lisa Murkowski, Chairman of the Energy Committee, we just passed a bipartisan energy bill, clean energy bill. Your colleague from Massachusetts voted for it. It passed 18 to 4.

It was the first time an energy bill has come forward in a long time. It was a Republican-led committee that has done that, 18 to 4. Two Republicans voted against it and two Democrats voted against it.

It is focused on clean energy and energy legislation which will actually help our economy and help our country because we all want reliable, clean and affordable energy. People say science is science but I say, math is math.

The emissions in this Country have been on the downturn for the last ten years. We have a lot fewer emissions now than we had ten years ago. Emissions have been going down. U.S. emissions are only 15 percent of global emissions. The rest of the world puts out 85 percent of the emissions. You could turn off the United States tomorrow and it is not going to change what is happening globally with increasing emissions.

The math is the math in terms of renewable energy. Only 4 percent is from wind and 1 percent is from solar. The biggest

problem in getting the wind from where the wind blows to where the people live who want that electricity is the environmentalists who are blocking the building of the transmission lines to carry that energy.

We have incredible wind capacity in Wyoming. The transmission lines have been blocked by environmentalists. I say science is science and math is math. The numbers say 32 States oppose what the President has just come out with because they realize the impact on the reliability of energy, the affordability of energy and jobs in their communities.

You talk about healthy forests. We have environmentalists who are blocking healthy forest initiatives which would actually go in there and clean out dead trees and make it less likely that a forest fire would occur.

These places are tinderboxes ready to go up. The efforts to make things better are being blocked. Now the President comes out with his initiative which I believe is a national energy tax. To me, this is regulation without representation.

The attacks on affordable energy are huge. You say how does this impact the average person? How many families are looking forward to paying higher electricity bills under these proposals because that is what is going to happen.

You will have more people out of work. It will hurt the most vulnerable. Yet, in terms of the big picture, it is not

going to help the environment. The costs are real; the impacts are unproven.

The President seems to always exaggerate the benefits and ignore the costs. That is why I put out this report, Red Tape Making Americans Sick. EPA rules cost Americans their jobs and their health.

When we hear about getting people from the known institutions here, we had someone from Johns Hopkins University to testify that the unemployment rate is well established as a risk factor for elevated illness and mortality rates, with influences on mental health, suicide, alcohol abuse, drug abuse, spouse abuse, unemployment and an important risk factor of heart disease, all of this when you put a community out of work.

We have a headline here from the Gillette, Wyoming newspaper, State Could Lose Up to 11,000 Coal Jobs If Obama Plan Takes Effect. Eleven thousand coal jobs are good jobs. People want these jobs. As people sometimes retire, they try to get their children to have these jobs. They have very safe working conditions, pay a lot of attention to safety and provide affordable energy all across the Country.

I would say, Mr. Chairman, I am here in support of my friend from West Virginia and her legislation, Affordable Reliable Energy Now. I am going to continue to vote against these amendments that come forward that would weaken her

proposal.

I want to thank you, Mr. Chairman, for giving me the time to speak.

Senator Boxer. Mr. Chairman.

Senator Inhofe. The Chair is going to respond.

I think maybe the only thing you did not address was the fact that the Director of the EPA appointed first by President Obama agreed with what you just said, the fact that if we do these things unilaterally in the United States, it is not going to have an effect to reduce emissions worldwide.

In fact, it could increase them because as we chase our manufacturing base to other countries where they have no restrictions, we could actually increase worldwide CO2.

I am going to ask how many amendments want to be heard? You have two, Senator Whitehouse has two. How many do you have?

Senator Merkley. I have two more.

Senator Inhofe. Two. Senator Markey, do you have amendments to be heard?

Senator Markey. Yes, I do.

Senator Inhofe. How many?

Senator Markey. I have three more amendments that are pending but I think Senator Whitehouse is ahead of me.

Senator Inhofe. I know that. I am trying to figure out what to do.

Senator Markey. I will cut it down to just one additional amendment.

Senator Boxer. Mr. Chairman, I will not offer my amendment until this gets to the Floor, if it gets to the Floor. I do want to respond in just one brief moment to the speech by my friend from Wyoming.

I come from a State that has probably the strongest carbon rules in the Nation, a cap and trade system that was demeaned, all kinds of charges were made of how electricity prices were going up and jobs were going down and poverty was going up.

I am going to put in the record a fact sheet. California households pay the ninth lowest electricity bills in the country, lower than Oklahoma. Under California's climate program, we receive a twice a year climate credit.

California's household monthly energy bills are far cheaper than Oklahoma. In 2013, the Energy Information Administration found California's monthly residential electricity bill average \$90 compared to Oklahoma's monthly bill of \$110.

California's overall monthly energy bills are among the cheapest in the Country. California created a budget surplus with cap and trade. We went from a terrible deficit and we are now in a surplus with the leadership of our Governor and our legislature.

California's rate of job growth is better than the country

during cap and trade. We are a leader in green jobs, in solar jobs and wind. On some days, 50 percent of our energy comes from the sun.

For people to say that this is one scary future, take a look at the State that is doing it, 40 million people strong. The oil companies came in and tried to get us to repeal our laws and we beat them back. It is real and that is why I oppose what my friend is trying to do in West Virginia, to take us back.

Senator Inhofe. Without objection, I am going to enter one thing into the record that refutes everything Senator Boxer just said about California.

Senator Boxer. Let us put it next to mine and people can judge.

Senator Inhofe. That is fine.

[The referenced information follows:]

Senator Inhofe. By your word, we are going to have five more amendments. I would like to ask, if there is going to be objection, if we can confine our remarks on these amendments and discuss the amendments to seven minutes. Would that be reasonable?

Senator Whitehouse. Per amendment?

Senator Inhofe. Per amendment. What amendments of the five are left?

Senator Whitehouse. There are very few of us at this point here. Again, this morning does not seem to me, Mr. Chairman, to be an inordinate amount of time to dedicate to an issue of this magnitude.

Senator Inhofe. Okay. Do you have an amendment you would like to offer?

Senator Whitehouse. I do. I do not think this would weaken the bill but understanding, no matter which side you are coming from, it would, I think, help establish that we either are or are not working off a common predicate of facts.

Senator Inhofe. Which amendment is it?

Senator Whitehouse. My amendment is Whitehouse Amendment No. 2.

Senator Inhofe. Whitehouse Amendment No. 2.

Senator Whitehouse. It is not the least bit uncommon, Mr. Chairman, for legislation to come through the Senate with

findings. It is actually quite common for findings of fact and congressional findings to precede a piece of legislation that explain the rationale for the legislation.

This would not change the substance of Senator Capito's legislation in any way. It would put on the front a findings section expressing the sense of the Senate that one, climate change is real and not a hoax; two, human activity contributes significantly to climate change; and three, the Federal Government, for the record I will say that means broadly whether you want that to be Congress, the President or administrative agencies, I mean broadly the Federal Government not a specific agency, has a responsibility to act.

I think that is the virtually unanimous consensus of everybody not affiliated with the fossil fuel industry who has taken a serious look at this question. It is certainly the strong sense of the American electric and it is a very strong sense in my home State of Rhode Island.

I do not think it affects the bill in any way. I hope that it can get a strong bipartisan vote in favor.

[The text of Whitehouse Amendment No. 2 follows:]

Senator Inhofe. Thank you, Senator Whitehouse.

You have heard the explanation of the amendment. Those in favor, say aye.

[Chorus of ayes.]

Senator Inhofe. Opposed, no.

[Chorus of noes.]

Senator Whitehouse. May I have a roll call vote?

Senator Inhofe. Yes, of course.

Senator Whitehouse. Unless there is anyone who wishes to make a comment on it, I move the amendment and ask for a roll call vote, if not.

Senator Boxer. Second.

Senator Inhofe. The Clerk will call the roll.

The Clerk. Mr. Barrasso?

Senator Inhofe. No by proxy.

The Clerk. Mr. Booker?

Senator Boxer. Aye by proxy.

The Clerk. Mr. Boozman?

Senator Inhofe. No by proxy.

The Clerk. Mrs. Boxer?

Senator Boxer. Aye.

The Clerk. Mrs. Capito?

Senator Capito. No.

The Clerk. Mr. Cardin?

Senator Boxer. Aye by proxy.

The Clerk. Mr. Carper?

Senator Boxer. Aye by proxy.

The Clerk. Mr. Crapo?

Senator Crapo. No.

The Clerk. Mrs. Fischer?

Senator Fischer. No.

The Clerk. Mrs. Gillibrand?

Senator Boxer. Aye by proxy.

The Clerk. Mr. Markey?

Senator Markey. Aye.

The Clerk. Mr. Merkley?

Senator Boxer. Aye by proxy.

The Clerk. Mr. Rounds?

Senator Rounds. No.

The Clerk. Mr. Sanders?

Senator Boxer. Aye by proxy.

The Clerk. Mr. Sessions?

Senator Inhofe. No by proxy.

The Clerk. Mr. Sullivan?

Senator Inhofe. No by proxy.

The Clerk. Mr. Vitter?

Senator Inhofe. No by proxy.

The Clerk. Mr. Whitehouse?

Senator Whitehouse. Aye.

The Clerk. Mr. Wicker?

Senator Inhofe. No by proxy.

The Clerk. Mr. Chairman.

Senator Inhofe. No.

The Clerk. Mr. Chairman, the yeas are 9 and the nays are  
11.

Senator Inhofe. The amendment fails.

Other amendments? We are down to four now.

Senator Markey.

Senator Markey. Thank you, Mr. Chairman.

Mr. Chairman, I have Markey Amendment No. 6 at the desk.

Senator Inhofe. You are recognized.

Senator Markey. Thank you very much, Mr. Chairman.

We have heard a lot about job loss in the coal industry which has been a fact for the last 30 to 40 years. A lot of that just has to do with innovation, has to do with automation. There are huge vehicles that now come in and can dig out tons and tons of coal which have put tens of thousands of coal miners out of business. It is automation. It is new technology. It is innovation.

There are some that wanted to stop that so we did not have that progress in coal country but it is just the way it is. That is what has been killing coal jobs, combined with the

incredible increase in the use of natural gas as a way of generating electricity in our country. That is the war on coal. The war on coal is natural gas.

It is cleaner and in most parts of the country, less expensive. Economics 101 moves utilities towards natural gas. Economics 101 moves the coal industry towards larger vehicles that dig out more coal with less use of human beings. That is what has been happening.

If I felt there was a sincere effort to seek a level playing field in the creation of new jobs and new energy industries, that would be one thing, but that does not exist. The Republicans oppose the extension of the wind tax break. That is off the books now because of the Republican Party.

What is wind in the United States of America? By the end of next year, even without the tax break, it is essentially 80,000 megawatts, it is 80,000 jobs in America which will start to slowly but surely go right down because there is no plan by the Republicans to put a tax break on the books for wind.

How about solar? Solar, in the United States, installed only 79 megawatts in the year 2005; last year, 7,000 megawatts, 100 times more; this year, 8,000 megawatts; and next year, 12,000 megawatts. In other words, there will be double the amount of solar in two years as was produced from the beginning of time until the end of 2014.

That is moving fast but the tax break for solar expires next year. What do we hear from the Republican Party about how much they are willing to keep the tax breaks for solar and the tax breaks for wind on the books?

By the way, by the end of next year, 210,000 jobs in the solar industry will exist. Between wind and solar, there will be 300,000 jobs. There are only 80,000 coal miners in America. This is the fast growth, job creating sector of the American economy creating jobs ten times faster than any other sector in our economy. That is where we are.

By the end of next year, combined, there will be 120,000 megawatts of wind and solar in America but the tax breaks will have expired if the Republicans do not step up with their plan. They say, well, it is only five percent of all electricity now coming from the renewable sector? Yes, that is up pretty much from zero in 2005.

It is moving. It is like the deployment of cellular phones. You did not have one in your pocket in 1994. In 1996, all of a sudden, you did.

If you are basically going to be interpreting how fast things change, whether or not you had an iPhone five years ago and whether or not you have one today, you are not looking at the right way of looking at innovation and how quickly it is adopted after it is introduced into our economy.

My amendment says the polluter protection plan we are debating here today does not go into effect if the EPA Administrator and the Secretary of Energy determine that it would have a negative impact on clean energy jobs being created in our country.

On one side, there has been an inexorable decline, the coal industry, not this year, not last year, because there is no energy plan, there is no plan on the books to reduce greenhouse gases right now.

It has been going down but it has been going down without Congress having acted but there has been a dramatic increase in clean energy jobs.

That is really the heart of my amendment. It says, let us keep innovation going. Let us be moving from this old 19th Century technology, not by saying anything other than we are going to keep the incentives on the book for clean energy as well, a level playing field.

The old tax breaks stay on the books, the coal tax breaks stay on the books. What goes away is the wind and solar. That is the unlevel playing field that we have seen for 100 years in this Country.

Finally, during the Obama Administration, we have seen it unleashed. What is happening is now called a threat, not to our economy, however, because of prices collapsing in renewable

energy, and the dramatic increase in the number of jobs that have been created.

My amendment says this bill cannot go into effect until the EPA and the Department of Energy determine how many jobs will be lost by this bill. I urge an aye vote.

[The text of Markey Amendment No. 6 follow:]

Senator Inhofe. Thank you, Senator Markey. You do have a minute left.

Senator Capito, would you like to respond?

Senator Capito. Yes. I was just going to say that in the bill I encourage governors of each State to analyze the impacts of those clean energy jobs and other jobs that are created and sustained by the coal or natural gas industry. I think it is repetitive. I do not think we need it.

The other thing I would say briefly on wind is we have 333 windmills in my State. That is not easy to get those permitted and put into effect.

I would also say that 32 State governors have been opposition to this. We passed a bipartisan energy bill last week that addresses a lot of the renewable issues.

Thank you.

Senator Inhofe. Senator Markey moves his bill. Is there a second?

Senator Whitehouse. Second.

Senator Inhofe. The Clerk will call the roll.

The Clerk. Mr. Barrasso?

Senator Inhofe. No by proxy.

The Clerk. Mr. Booker?

Senator Boxer. Aye by proxy.

The Clerk. Mr. Boozman?

Senator Boozman. No.

The Clerk. Mrs. Boxer?

Senator Boxer. Aye.

The Clerk. Mrs. Capito?

Senator Capito. No.

The Clerk. Mr. Cardin?

Senator Boxer. Aye by proxy.

The Clerk. Mr. Carper?

Senator Boxer. Aye by proxy.

The Clerk. Mr. Crapo?

Senator Crapo. No.

The Clerk. Mrs. Fischer?

Senator Inhofe. No by proxy.

The Clerk. Mrs. Gillibrand?

Senator Boxer. Aye by proxy.

The Clerk. Mr. Markey?

Senator Markey. Aye.

The Clerk. Mr. Merkley?

Senator Boxer. Aye by proxy.

The Clerk. Mr. Rounds?

Senator Rounds. No.

The Clerk. Mr. Sanders?

Senator Boxer. Aye by proxy.

The Clerk. Mr. Sessions?

Senator Inhofe. No by proxy.

The Clerk. Mr. Sullivan?

Senator Inhofe. No by proxy.

The Clerk. Mr. Vitter?

Senator Inhofe. No by proxy.

The Clerk. Mr. Whitehouse?

Senator Whitehouse. Aye.

The Clerk. Mr. Wicker?

Senator Inhofe. No by proxy.

The Clerk. Mr. Chairman.

Senator Inhofe. No.

The Clerk. Mr. Chairman, the yeas are 9 and the nays are 11.

Senator Inhofe. The amendment fails.

I would observe we are down to seven people. If we lose one more person, we will not be able to vote on amendments. We are also down to three more amendments. Do you have an amendment you would like to offer?

Senator Whitehouse. I do, Mr. Chairman. I would like to call up Whitehouse Amendment No. 1.

Senator Inhofe. Whitehouse Amendment No. 1, you are recognized.

Senator Whitehouse. Whitehouse Amendment No. 1 is similar to the health amendment that Senator Markey offered earlier. It

requires a similar alternative method of getting to the point before the Capito legislation would go into effect although this is not focused on the health aspect. It is focused on the oceans aspect. Let me explain why that is.

Our friends have said that the climate is always changing and therefore, climate change is not significant. Yes, the climate is always changing in geologic time. We have never seen anything in the history of our planet, of human beings on it at least, where we have seen a change as rapid as we have in terms of the carbon pollution of our atmosphere.

We have been on the earth for about 200,000 years as a species. If you measure back 800,000 years through air trapped in ice and other ways they have of actually measuring this, they see the carbon concentration in the atmosphere has been going up and down and up and down fairly regularly between about 175 and 300 ppm.

That is the whole history of our species on the planet until the Industrial Revolution. Suddenly, it breaks out. Now, for the first time ever, measurements are over 400 ppm in the atmosphere.

That has a lot of climate effects that we see but it also has some very important ocean effects. You can go to a lab and raise the concentration of CO<sub>2</sub> in a container with saltwater and see the pH drop of the saltwater. It will acidify.

That is why Senator Merkley's oyster farmers got wiped out when heavily acidic ocean water came in. The water was so acidic that the young oysters could not make their shells. We are starting to see that in the Northeast.

It is a very big deal for Alaska because of what it is doing to something called the Tetrapod, a very important sea snail called the Sea Butterfly, that is a huge part of the salmon diet. The sea is becoming so acidic that the shells are not being able to be made in the same way. It is very powerful scientific work and undisputed on that subject.

You can argue up and down about climate but you cannot argue about acidification. That is happening and it is directly related to the carbon concentration.

What happens also is because of the climate piece, the oceans warm and we measure that. This is not theory. We measure that with thermometers. It is not complicated. Children can do it. All you have to do is keep track and you can see the trend.

The oceans are warming and that really affects our fishermen. Winter flounder fishery is basically gone. Fishermen come in to say to me, Sheldon, it is getting weird out there. Sheldon, this is not my grandfather's ocean any longer.

The lobster is moving to cooler waters. We are seeing things people have not seen before in their lifetimes that our

fishermen have to contend with.

The third piece of that is when the ocean warms, it expands. That is called the Law of Thermal Expansion. I doubt anybody on this committee would dare to quarrel with that.

As this massive ocean warms, it lifts and rises. That is why at Naval Station Newport, they measure 10 inches of sea level rise since the 1930s. If you do not trust me, trust the Navy. They have given briefings on what goes on at their ports because their ports exist at the intersection of sea and land.

If you cannot trust the United States Navy on this, if you cannot trust companies like Wal-Mart on this, I do not know who you can listen to. These things are really happening. There are the influences on climate that are beyond the control of humans; this is an influence that is not beyond the control of humans.

It is happening so much faster, so much more rapidly and blowing us out of the traditional limits that the influences beyond human control have kept us in, that we really need to pay attention to this.

This is really important to my State. We are seeing all of these things. We are seeing the acidification begin to happen. Every third grade class in your States that has an aquarium takes a pH test of the aquarium to make sure it is good for the fish.

The testing on this is really not much different than that. It is simple, it is undeniable and you can replicate it in a lab. Every national lab agrees with it. NOAA agrees with it. You really are not going to find anyone respectable who disagrees with that because it is impossible to disagree with.

The warming is measured by NASA satellites. I know your side wants to defund the NASA satellites so that they cannot tell us what is happening any longer because it is inconvenient for certain special interests but that is a dumb way to go.

We should actually be listening to NASA, not trying to defund the information they give us. When that happens and the temperatures warm, the sea level rise is inevitable.

Please, if you have a genuine interest in this, go to Google and look up Rhode Island hurricane of 1938. Take a look at some of the pictures of what happened. Go to the American Experience clip on NPR, it is an hour long, on what happened in Rhode Island and nearby with the hurricane of 1938.

Then think to yourself what is going to happen to Rhode Island when that next big one comes and there are 10 more inches of sea level to be thrown like a hammer against our shores, plus whatever extent it gets stacked by sea level rise.

Please accept how important this is to us and how very real the science is behind this, virtually undisputed on the oceans front.

Thank you.

[The text of Whitehouse Amendment No. 1 follow:]

Senator Markey. Will you yield?

Senator Whitehouse. It is the Chairman's prerogative I believe, but yes, of course, I will. I yield back.

Senator Markey. The Senator from Rhode Island represents the Ocean State. I represent the Bay State. What do we have right above us? We have Greenland. Again, Greenland with an ice block at its peak that is two miles high and it is melting.

There was a block of ice that broke off the size of Manhattan from Greenland and went into the ocean just a couple years ago. The year before, a block of ice broke off Greenland four times the size of Manhattan and went into the ocean.

This is the Atlantic Ocean where Senator Whitehouse, Senator Gillibrand and I represent. If the ice starts breaking off Greenland and goes into the ocean, there is no place to go and it results in flooding, higher temperatures, more water hitting our coastline. That is the phenomenon. That is what is happening to us. That is what Massachusetts v. EPA decided in its decision.

I ask for an aye vote on Senator Whitehouse's amendment just so you can protect us against this ice going into the water and endangering our coastlines.

Senator Whitehouse. I move the amendment.

Senator Inhofe. Is there a second to the Whitehouse motion?

Senator Boxer. Second.

Senator Inhofe. The Clerk will call the roll.

The Clerk. Mr. Barrasso?

Senator Inhofe. No by proxy.

The Clerk. Mr. Booker?

Senator Boxer. Aye by proxy.

The Clerk. Mr. Boozman?

Senator Boozman. No.

The Clerk. Mrs. Boxer?

Senator Boxer. Aye.

The Clerk. Mrs. Capito?

Senator Capito. No.

The Clerk. Mr. Cardin?

Senator Boxer. Aye by proxy.

The Clerk. Mr. Carper?

Senator Boxer. Aye by proxy.

The Clerk. Mr. Crapo?

Senator Crapo. No.

The Clerk. Mrs. Fischer?

Senator Inhofe. No by proxy.

The Clerk. Mrs. Gillibrand?

Senator Boxer. Aye by proxy.

The Clerk. Mr. Markey?

Senator Markey. Aye.

The Clerk. Mr. Merkley?

Senator Boxer. Aye by proxy.

The Clerk. Mr. Rounds?

Senator Rounds. No.

The Clerk. Mr. Sanders?

Senator Boxer. Aye by proxy.

The Clerk. Mr. Sessions?

Senator Inhofe. No by proxy.

The Clerk. Mr. Sullivan?

Senator Inhofe. No by proxy.

The Clerk. Mr. Vitter?

Senator Inhofe. No by proxy.

The Clerk. Mr. Whitehouse?

Senator Whitehouse. Aye.

The Clerk. Mr. Wicker?

Senator Inhofe. No by proxy.

The Clerk. Mr. Chairman.

Senator Inhofe. No.

The Clerk. Mr. Chairman, the yeas are 9 and the nays are  
11.

Senator Inhofe. The amendment fails.

We are down to two amendments. I appreciate the  
cooperation of everyone.

Senator Boxer, do you have an amendment? We are down to

two amendments. We are running out of people. We do not have the small quorum of seven to pass. It looks like people are leaving.

Senator Boxer. Let me just say publicly what I told you privately.

I think this has been a really good and fair debate. We are ready to vote on this but as I told the Chairman, what is very disturbing to our side is the fact that the other bill you have on here, which would say for the first time since I believe 2011, if you spray pesticides on water, you do not have to get a Clean Water Act permit.

We have not had a single hearing on that bill, not one hearing. You are marking up today and we know what is going to happen. It is not right.

I made a suggestion to my friend, and he is my dear friend, that we reschedule that plus a democratic bill and then move on with the rest of the agenda. He has made some commitments and he cannot join me.

I am very sorry to say that we are not going to have a quorum here. My recommendation is that we put that markup off, that we take a Democratic bill so we pair, and that we have a hearing on that really important bill that would expose our kids and grandkids and our families to pesticides in water and allow willy-nilly spraying.

It is not right to do that without a hearing. It is not right, so I cannot give you a quorum because it is just unfair.

I am happy to give you a quorum for my friend from West Virginia. I think this has been a terrific hearing. I think it has been emotional and difficult but we got through it. You are right, we have had many hearings on that. If we could put that off until we get back, I think that would be fine. Otherwise, we are not going to give you the quorum but you can get the quorum with all your members, to my understanding.

Senator Inhofe. Let me just observe that in the last Congress when the Republicans were a minority, Senator Boxer had S. 2963, a bill to address discharge limits from large and small vessels reported through committee on a party line vote with no hearing.

This was actually a controversial bill among the coastal State Senators and will be argued again in this Congress. This has happened before. We have posted our agenda. We have that bill to take up. It is Senator Carper's bill.

I would observe this. Right now, we are ready for a vote but we do not have 11 people here for a majority. I think there is an effort right now to get 11 people so we can at least get the Capito vote taken care of.

If you will bear with me and stay for that, if the Democrats choose to walk out and not consider other amendments,

there is very little we can do. There is nothing we can do about it but I would like to hear from Senator Crapo since we are talking about his amendment. Do you have any thoughts while we are waiting for a quorum?

Senator Carper. Yes, Mr. Chairman.

I just want to respond briefly to Senator Boxer. I hope we can move to the legislation that I have brought today. The legislation is bipartisan legislation. I just wanted to correct one statement that Senator Boxer made.

She said that if this legislation passes, there will be no protection for the application of pesticides. There already is a full regime under FIFRA for the application of pesticides. This question is whether to add a duplicate system to the process.

It is the result of the court case that, on a bipartisan basis we have agreement, creates an unnecessary, burdensome, expensive and duplicate system of regulation. Even the EPA has said it does not need to have this duplicate regulation.

I just had to clarify that this legislation does not eliminate the regulation of pesticides. It simplifies it to one system which is the system that EPA itself has said we need to utilize.

Senator Inhofe. Thank you, Senator Crapo.

Senator Fischer has arrived. We are talking about your

bill. Let me bring you up to date on where we are.

We are waiting for a quorum to come down so we can have the vote, final passage and send to the Floor the Capito bill. We are starting to gain some members now.

Senator Boxer. Mr. Chairman, could I be heard on your comment about our bill that we did without a hearing?

Senator Inhofe. You can be heard on that but first, with respect to Senator Fischer, if she has something to say about the bill that apparently is going to be boycotted by the minority. Senator Fischer?

Senator Boxer. Mr. Chairman, I just have to say in due respect as the Ranking Member here, all I wanted to do is make a point of clarification because you said that we did something without a hearing. The fact is you withheld a quorum. You withheld a quorum and we are going to withhold a quorum. I am going to leave because I do not want to be the only one.

I just want to say putting people in danger is the wrong thing to do. If you do not have a hearing, what does that tell you? This whole notion that EPA is behind this does not make any sense to me. They have not told me that in any way, shape or form.

This has been in place since 2011 and has not caused any problems to my knowledge. I am going to be leaving now, urging you, Mr. Chairman, that we will come back if you will put this

off, and we will put off another Democratic deal. You withheld a quorum when I did that once and we are going to do exactly what you did.

Senator Inhofe. Okay. All right, Senator Boxer, I think we know where we are on this. I would still like to make an attempt while we are voting today, it is my understanding we will have votes, that we can have an off the Floor vote on the final passage of the Capito bill in this committee.

We are going to make an effort to do that. However, since we have now been boycotted by the Minority, we will have to postpone the rest of this hearing until probably after the recess.

Technically, we are going to recess until the call of the Chair. Hopefully, we will be able to handle that from the Floor during the vote.

We are now in recess.

[Whereupon, at 12:08 p.m., the committee was recessed subject to the call of the Chair.]