

these bills and then we send them to the President and then they are the law. What he says is, even though we already voted down H.R. 1, if we do not pass something else, H.R. 1 is deemed to have passed and then it goes to the President. This makes no sense. It is a new way of passing bills that is made up by the Republicans in the House.

It is interesting that the Members whose paychecks the Speaker is protecting are the same ones who are saying we should have a government shutdown. Today we know the tea party is holding a rally demanding a government shutdown if H.R. 1, with all its political vendettas against women and children and families—that, in fact, there ought to be a shutdown if H.R. 1 does not pass, even though a leading Republican economist, Mark Zandi, said it would cost us 700,000 jobs.

The Senate voted down H.R. 1. It only got 44 votes. Wake up and smell the roses. It is gone. H.R. 1 will never rear its head again. So if you are rallying for a bill that only got 44 votes, that makes no sense. Why not rally to call on us to come together, to meet in the middle, to compromise? That is what the American people want. Do you think I want to meet the Republicans in the middle and slash the type of programs we have to slash? No; I am very unhappy about it, but I am willing to do it for the good of the country. Then let the American people decide in the next election if these are the priorities they share.

H.R. 1 would kick hundreds of thousands of kids out of Head Start. It would stop tens of thousands from getting grants to go to college. How does that make us stronger? It does not.

Representative TOM ROONEY, a Republican from Florida, said: I don't see how we can avoid a shutdown. I have news for him. We can by working together, by crafting a budget where the numbers are right in the middle, and then any of these political vendettas should come back in the form of other legislation.

Congresswoman MARTHA ROBY said yesterday the tea party "would not settle for a split-the-baby strategy," which I guess means she is not for compromising. It is my way or the highway. I want to ask the American people rhetorically: Is that fair? The people who run one-third of the government want 100 percent of it their way. I do not think so. I do not think it would work that way in a family. That is not right. They control one-third of the government and they want 100 percent of what they want. It is not right on its face.

Seventy-three percent of the American people say a government shutdown would be a bad thing for our country. So when the tea party says: Shut down the government if we don't get 100 percent of what we want, they are out of touch.

We will do our part. I am glad Speaker BOEHNER is back at the negotiating table, but I have to say, we are not

going to get anywhere if anyone says at that table: My way or the highway. That is over.

H.R. 1 is gone—because you pass a bill that says if the Senate does not act and pass the bill it is deemed law sounds like an April fool's joke. Today is the 31st. Maybe that is what it is, an April fool's joke. Again, I do not know how they came up with this idea.

Where we are is very clear. We are in a situation where we hope the government will not shut down, but yet there are Members in the House who are threatening a shutdown. We have a situation where 30 days ago we passed no budget, no pay for Members of Congress and the President, and they still have not taken it up.

We sent a letter to Speaker BOEHNER. I ask unanimous consent to have printed in the RECORD the letter to Speaker BOEHNER.

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

U.S. SENATE,

Washington, DC, March 30, 2011.

Hon. JOHN BOEHNER,
Office of the Speaker,
Washington, DC.

DEAR SPEAKER BOEHNER: Nearly one month has passed since Democrats and Republicans in the Senate came together and unanimously passed S. 388, legislation to prohibit Members of Congress and the President from receiving any pay during a government shutdown.

Despite the Senate's bipartisan effort, and requests from members for immediate action, you have taken no steps to hold a vote on this important legislation.

As you know, in the event of a government shutdown, Members of Congress and the President would be treated differently from millions of other Federal employees. While Federal employees would not get paid, Members of Congress and the President would still receive a paycheck because we are paid through mandatory spending, rather than through annual appropriations.

Recently, a number of House Republicans have publicly stated that a government shutdown is unavoidable, and have gone so far as to significantly downplay the negative impact it would have on our economy.

Since members of your caucus are openly predicting a government shutdown, the time to pass this bill is now. Members who want to shutdown the government should not continue to receive a paycheck while the rest of the nation suffers the consequences. Members of Congress and the President should be treated no differently than every other federal employee; we too should have to face the consequences of our actions.

While appearing on the CNN program "Crossfire" in 1995, you offered your support for a bill that is identical to S. 388, so it is unclear why you have not scheduled a vote. The closer we get to the expiration of the Continuing Resolution without passage of this legislation, the more it becomes apparent that your primary interest is in protecting the paychecks of your colleagues.

It is essential that we work together to avoid a government shutdown, but if we cannot do our jobs and keep the government functioning, we should not get paid.

We again request that the House immediately take up and pass this legislation in the same bipartisan spirit demonstrated by

the Senate. We ask for your immediate response.

Sincerely,

Barbara Boxer; Debbie Stabenow; Jon Tester; Ron Wyden; Michael F. Bennet; Sheldon Whitehouse; Robert P. Casey, Jr.; Robert Menendez; Joe Manchin, III; Jeff Merkley; Claire McCaskill; Daniel K. Inouye; Barbara A. Mikulski; Mark Begich; Jeanne Shaheen; Richard Blumenthal.

Mrs. BOXER. Mr. President, we call on him and say: It has been 30 days, let's get our act together. We need to feel the pain ourselves just as all the others will feel the pain.

CLEAN AIR ACT

Mrs. BOXER. Mr. President, the reason I am staying close to the floor today, more than any other reason, is the fact that, for the first time in history, Congress is going to play scientist, Congress is going to play doctor, Congress is going to decide what to do in terms of enforcing the Clean Air Act. This runs counter to the American people.

Leading public health groups are saying: Please do not stop the EPA from enforcing the Clean Air Act. They are the American Lung Association. I ask: When we think of the American Lung Association, what do we think about? We think about doctors who want to help patients, who do not want to see little boys, such as this boy, gasping for air. It is our job to stand for the health of the people.

If I ever had any other reason for being here—and I have been here a while, thanks to the good people of California—it is to make sure our people are protected to the best of our ability. We look at Japan, at what is happening there, and we know how it felt when we had the BP oilspill and how we all did everything in our power to make things better.

One way we have made things better over these years, since the Clean Air Act passed—and I will show a graph of Los Angeles—one way we have made things better for the people is the Clean Air Act. We all know we do not always do things perfectly around here. We are only human, and we make mistakes. But I have to say, I was not here when the Clean Air Act was signed. It was signed by Richard Nixon. I have a lot of issues with Richard Nixon on a lot of other issues, but Richard Nixon set up the EPA. That was a Republican effort, and now our Republican friends are literally taking a dagger to the Clean Air Act.

The Clean Air Act is supposed to be based on science, not politics. If the scientists tell us and the health experts tell us carbon pollution is a danger to our families and they pass an endangerment finding and the Supreme Court says, once an endangerment finding is passed, you must act to clean up the air, if that is what happens, Congress should keep its nose out of it for two reasons: One, it will lead to little boys, such as this little boy, having to

gasp for air if we interfere with the Clean Air Act; two it works. The Clean Air Act works.

On this graph, in 1976, there were 166 days in Los Angeles where people were urged to stay indoors. There was a health advisory. When you can see the air, that is bad, and you could see the air on those days. That is what happened in the 1970s. Through the years, because of the work of the Environmental Protection Agency and local people and State people who worked with them, we wound up with no health advisories in Los Angeles in 2010. What an unbelievable record.

Now Members of Congress want to mess with that. It is ridiculous. If it isn't broke, why are we fixing it? It works. They say they are doing it because of jobs—it is going to cost jobs. Well, we know for a fact that was the same thing that was said in the 1970s and we have had the greatest track record of job creation. If we took the job creation from the 1970s into 2010, and we looked at how many jobs there were created, it is huge. We have had, of course, some of the greatest expansions in our history, notwithstanding the fact that we had a very fine Clean Air Act in place.

And guess what. When you clean up the air, you create jobs. You actually create jobs. There is no doubt about it. Clean energy businesses are created. We became the world leader in many environmental technology categories, and we are the world's largest producer and consumer of environmental technology, goods, and services. How proud are we of that? We should be proud of it. Instead, we may be facing a series of votes today or Monday—I don't know exactly when—that would, in fact, interfere with EPA's functioning.

Some of the amendments are worse than others. The McConnell amendment is the worst of the worst of the worst. Guess what it does. It says forevermore the EPA cannot ever enforce the Clean Air Act as it pertains to carbon. That is the worst of all. But all of them would stop the EPA in its tracks right now from enforcing the law.

Look at the environmental technology industry. It is pretty impressive. We have 119,000 firms that generate \$300 billion in revenues, \$43 billion in exports, and support 1.7 million jobs. We have small- and medium-sized companies that make up 99 percent of these private-sector firms. That is the issue, because we have small- and medium-sized firms that want to see us keep on cleaning up the air, versus the very large, old energy, big polluters—huge polluters—the chemicals, the oil, the coal, et cetera.

I want to work with all companies, small and large, because we are going to need a mix of energy sources, but it has to be cleaner, and that is what the EPA has done over the years with its work. It has made sure the industries get cleaner and cleaner. And every time they say: Don't do it, we will lose jobs. We will lose business. We will go

into recession. But the opposite has proven to be true.

In a letter dated March 29, numerous clean energy and conservation organizations said:

Stopping the EPA from doing its job now means more Americans will suffer ill health; not fewer; more clean energy jobs will be outsourced overseas, and fewer American jobs will be created at home.

Health experts oppose amendments that weaken the Clean Air Act. They are against all of these amendments. They say these amendments would interfere with EPA's ability to implement the Clean Air Act—a law that protects public health and reduces health care costs for all.

It is an obvious point: If someone never gets asthma, their health is better and costs are lower. Simple as that. So everyone who is a leader on health care ought to understand when people get sick because you voted to weaken the EPA's enforcement of the Clean Air Act, that has a cost. It has a cost to these kids.

I will show another picture of a little girl, a beautiful little girl, who is suffering and struggling and gasping for air. That, to me, is the picture of what this debate is all about. Whose side are we on, her side or the biggest, most powerful polluting industries in the country? It is a choice we have to make.

The Republicans in the House have taken the worst of these environmental bills and they have put them on H.R. 1, and they want H.R. 1, H.R. 1, H.R. 1—pay back all the big polluters in the country who supported them. But it doesn't make sense on any level. It doesn't make sense on jobs, doesn't make sense in terms of the health of our people, and it is politically unpopular.

Let us take a look at a recent poll that was done. This was done all across the country by a Republican polling firm and a Democratic polling firm, and let me show what came out of it: 69 percent say the EPA Clean Air Act standards should be updated with stricter air pollution limits. People want cleaner air. They see their kids gasping.

I said the other day, if you go into any school in your State and ask the children how many of you have asthma, probably about a quarter of them will raise their hands. And if you say, how many of you know a child with asthma, it is about 50 percent of the crowd.

Asthma is a very difficult condition. I listen to Senator LAUTENBERG all the time talk about how it is with his grandson, who has bad asthma. His mother, every time she takes him to play a baseball game or she is away from home, has to make a search to see where is the nearest emergency room. This isn't a benign situation. It is a serious situation for children and adults. So that is why the American people are saying, well, wait a minute; we want the EPA to clean up the air. We don't

want Congress involved. The American people are smart.

Look at what this poll says. Remember, this was taken February 16 of this year. This is the height of politics in this country, fighting this side and that side. The poll says that 68 percent believe Congress should not stop EPA from enforcing Clean Air Act standards, and 69 percent believe EPA scientists, not Congress, should set pollution standards.

People are smart. If they have a problem with a tooth, they go to a dentist, they don't go to a Member of Congress—unless they are a dentist. People know scientists and doctors are the ones who should guide us on the Clean Air Act, not politicians. Look, I am proud of my work. I love what I do, and I think I have learned quite a bit about a lot of things, but I don't decide what level of ozone is healthy, what level of small particulate matter in the air is healthy, what amount of radiation in the milk is okay. That would be ridiculous. The experts have to determine that. But this Senate is about to vote on a series of amendments which will stop the EPA in its tracks and say we, Members of Congress, know better.

EPA Administrators under Presidents Nixon, Reagan, and George Bush opposed attempts to weaken the EPA. Listen to this. This is signed by William Ruckelshaus and Christine Todd Whitman. This is a quote from their op-ed piece—two Republicans. So I say to my Republican friends here, listen to the people whom you respected when they were head of the EPA. What did they say?

It is easy to forget how far we have come in the past 40 years. We should take heart from all this progress and not, as some in Congress have suggested, seek to tear down the agency that the President and Congress created to protect America's health and environment.

That is powerful. And they went on to say:

Today the agency President Richard Nixon created in response to the public outcry over visible air pollution and flammable rivers is under siege.

They are right. These two former Republican Administrators of the EPA are right, the EPA is under siege and not because it hasn't done its job. It has done its job magnificently. I have shown that.

I will show the stats on how many premature deaths were averted as a result of the EPA's action. I think it will stun you. The Clean Air Act, in 2010 alone, prevented 160,000 cases of premature deaths. By 2020, that number is projected to rise to 230,000.

I say to my colleagues on both sides of the aisle here, if you saw a child—maybe your child, maybe your grandchild—about to be run down by a car, and you knew you could save them, you would do it. You would save them. My colleagues, we can save 230,000 people from facing premature death. That is a fact. That is what the science shows. Yet we are going to weaken the very agency that can do this.

There were 1.7 million fewer asthma attacks in 2010 because of the Clean Air Act. If we keep going, and we don't interfere with the EPA, by 2020 there will be 2.4 million fewer asthma attacks.

Let us take a look at that child again. I am saying to America and to my colleagues, this is a baby who is struggling for breath. If you knew you could save him, if you knew you could save another child from this, you would do it. By leaving the Clean Air Act alone, by letting the EPA do its work, it is a fact—it is not fiction, it is a fact—that more than a million kids won't have to do this.

I don't know any colleague, I don't know one, who doesn't love children—love their own, love everybody's, love their constituents' kids, love their grandkids. I hardly know anyone who doesn't talk about our kids, whether it is in the context of our debt or their health or any context. I am saying right here and now if you love our kids, don't support weakening the EPA, because our kids are the most vulnerable to dirty air. Why? Because they are little, because the breath they take in takes up so much of their body. What they breathe in is more potent because they are so little and they are developing.

So again, whether it is business groups, whether it is former EPA Administrators, whether it is these incredible groups that have come together with nothing on their agenda except the health of the people—groups such as the American Lung Association or the Physicians for Social Responsibility—I have given a lot of facts to back up what I have said. And, believe me, they are irrefutable facts. They are facts.

The reason given for stopping the EPA from enforcing the law is: Oh, it hurts the economy. I have shown that argument has been made by big business forever and it never was accurate. I guess they have stopped saying the EPA doesn't have a successful track record, because I have shown specifically how many early deaths were averted, how many asthma attacks were averted. Let's go back to that again—how many missed days of work were averted. We have the facts, so they can't argue that.

So what do they argue? Oh, it is a recession. Well, let me say, if you want people to work, I have got news for you: If they can't breathe, they can't work. That is a fact. That is irrefutable. The Clean Air Act in 2010 alone prevented 130,000 acute heart attacks. By 2020 it will avert 200,000 acute heart attacks.

Again, put yourself in the position of somebody who sees somebody about to be hurt, and you know you could pull that person back from the cliff, or you could pull that person back and make sure they are safe, and don't vote for these amendments because we know it is our constituents who will suffer.

In 2010, the Clean Air Act prevented 3.2 million lost days at school. Why is

that? Because when a kid is gasping for air, they are not going to go to school. That number is projected to rise to 5.4 million lost days at school. Do you know why we have these facts? Those who are skeptical demanded that the EPA do this study. So EPA did the study and we found out.

I would challenge anybody in the Senate to show me an agency that can boast of this kind of result. It explains why almost 70 percent of the American people say to us: Keep your hands off the EPA. Don't mess with success. Let them do their job. Let them protect our health. Let them protect our kids' health. EPA has a great record.

They are up against the biggest, most powerful interests in this country—they are. They took a full-page ad yesterday, those big interests: Stop the EPA.

OK, I ask rhetorically, why stop an agency that is preventing the deaths of the American people? Why stop an agency that has this kind of track record?

I will close with this: There is a series of these amendments, the worst of which is the McConnell amendment because the McConnell amendment says forevermore the EPA can never, ever do anything to protect our people from carbon pollution. It says never, ever can the EPA set standards for tailpipe emissions from automobiles. That is what it does.

The American Lung Association, the American Public Health Association, the American Thoracic Society, the Asthma and Allergy Foundation of America, the Physicians for Social Responsibility, the Trust for America's Health—this is what they say about the McConnell amendment:

The McConnell amendment would strip away sensible Clean Air Act protections that safeguard Americans and their families from air pollution.

With whom do we stand? This is the question we all ask in our campaigns. Whose side are you on? With whom do you stand?

I made a decision, a strong one. I am going to stand with the kids. I am going to stand with their families. I am going to stand with these leaders who are working day and night just to protect our health. I am not going to stand with a rightwing ideological amendment. I am not going to stand with amendments that are "McConnell lite" because if it is not broken, don't fix it.

No agency is perfect, we know that. The EPA is not perfect, but the record is clear. Actions by the EPA along with local and State officials have saved countless lives. If we leave our hands off of it they will continue to have a stellar record.

I will be back on the Senate floor when these amendments come up for a vote. I hope and pray people will think about this very hard before they cast their votes.

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

The PRESIDING OFFICER (Mrs. HAGAN). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. KIRK. I ask unanimous consent to speak for up to 20 minutes.

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

LIBYA

Mr. KIRK. Madam President, this morning our former National Security Adviser, Chairman of the Joint Chiefs of Staff, and Secretary of State Colin Powell will visit the White House, and I expect they will discuss the current mission against the Qadhafi dictatorship in Libya.

When we look at this mission, I think it is important to review the wise words of General Powell in his recommendation in considering any military mission for the United States in her coming years. When we think about his advice—many times, it has been called the Powell doctrine, and it was memorialized in a 1992 article in Foreign Affairs magazine called "U.S. Forces: Challenges Ahead." This article became known very much as the Powell doctrine, with two additions that the public and press often put on his thoughts about military missions for the United States.

In short, the Powell doctrine includes answers to a number of questions that any President, Secretary of State, or Secretary of Defense should answer prior to or at the very least during a military mission involving the United States. Those questions are as follows:

Is the political objective we seek important, clearly defined, and understood?

Next, have all other nonviolent policy means failed?

Third, will military force achieve the objective?

Fourth, at what cost?

Next, have the gains and risks been analyzed?

Finally, how might the situation that we seek to alter, once it is altered by force, develop further and what might be the consequences?

Added to this, the press and public have offered two more additions often called part of the Powell doctrine: Can we hit the enemy with overwhelming force, and can we demonstrate the support of the American people for the mission as shown by a vote of the U.S. Congress?

When we look at the current Libyan mission and apply the Powell doctrine, we see a mixed picture, one that should be fixed by a rigid application of its questions and answers to them reported back to the American people.

I support our mission in Libya, and I think the President's address to the Nation was a good start. But I think we