

also one of the most expensive policies ever imposed on coal-fired plants. Under this rule, the EPA will require plants to install costly control technologies in exchange for minimal environmental gains.

The combined economic impact of the two regulations I have just mentioned is alarming. The Indiana Energy Association estimates that the cost of these rules will be between \$6.5 billion and \$7.3 billion just in my home State of Indiana. And when we add the entire eastern half of the country, from Mississippi River on to the Atlantic Ocean, that number goes up exponentially.

The National Economic Research Associates estimates employment losses of 1.4 million across the country as a result of the current EPA rules and deadlines. By 2016, NERA reports that American ratepayers will see an average increase of up to 23.5 percent—and in some places rates will be even higher.

Now, I want to say this: Cleaning our air is a worthy goal. Hundreds of billions of dollars have been spent under the Clean Air Act, which I supported in the 1980s and early 1990s because, as Americans, we all want to clean our air. Hundreds of billions of dollars have been spent by our utilities on clean air, consumers have been paying for it through our electricity bills to clean the air. The progress we have made has been astounding.

Provisions that were offered in a bill Senator JOE MANCHIN—a Democrat from West Virginia—and I offered together on a bipartisan basis do not turn back or unwind the progress we have made. They simply extend the compliance date for a 3-year period of time and coordinate that compliance date so that utilities can accomplish both of these goals laid out by the EPA in a reasonable time frame. This rule will take effect on January 1 of 2012. So we're asking for a little more time.

Earlier this year I voted to eliminate these rules. That vote, led by Senator RAND PAUL, was defeated. So we move now to the next stage which is to give utilities more time to meet EPA deadlines.

I urge the President to consider the Manchin-Coats legislation called the Fair Compliance Act, which is bipartisan legislation to delay the implementation of these harmful EPA rules. Otherwise, our utilities will not have the time needed to adequately prepare. The EPA will be shutting them down. Without extra compliance time, there are predictions of blackouts or rolling blackouts and substantial increases in utility rates at a time when the economy is struggling and our manufacturers need every competitive advantage they can get in order to compete around the world and get people back to work.

Having said that, let me just say one more thing. It is disappointing from my perspective in the lack of progress in addressing our dire fiscal situation. We've tried just about everything and

every process and every procedure people can think up, and each one of those has achieved either minimal results or failed completely. So after evaluating and looking at the extraordinary effort, energy and time put into the process this year, there have been very few results. It has become clear to me and reaffirmed something I believed from day one when I first got into politics—that unless we put in place a balanced budget amendment to the Constitution that will require Members to come down to this well and, before the President of the Senate, put their left hand on the Bible and their right hand in the air and swear to uphold a Constitution that incorporates a balanced budget requirement, we are never going to get there.

There is always a reason why something statutorily—all the efforts of the Gang of 6, the committee of 12; the rush to prevent crises by raising the debt limit; the cliff hangers: are we going to pass this or not, and are we going to extend the debt limit or not extend it—all the provisions through the appropriations process to cut spending and reduce government involvement and so forth have essentially failed.

What we need to do is what most States in this country do, what every business has to do, what every family has to do; that is, commit to balancing our budget, not spending more than we take in, and having a sworn, constitutional agreement that this is what we will do before we adjourn during every session. My State of Indiana has to do this, and many States across the country have to do this. They do because it produces transparency and honesty and Members going before their constituents and saying: That program is a great idea, but we can't afford it. Unless you're willing to support Congress raising your taxes or cuts in other places, we can't put that new program in place.

I think my time is running out. I ask unanimous consent for 2 more minutes, and I will wrap it up.

The PRESIDING OFFICER (Mr. BLUMENTHAL). Without objection, it is so ordered.

Mr. COATS. Thank you, Mr. President. I thank my colleagues.

If we don't have this ultimate enforcement mechanism, I fear we will just continue to do what we have been doing for years and years and years; that is, falling far short of where we need to go. I think where most of us know we need to make the tough decisions, to be honest with our constituents, to go forward and basically say this is what our sworn obligation is, and we are going to have to fulfill this obligation. Nothing else has succeeded in forcing this body to come together and in a bipartisan way—or even on a partisan basis—do what is necessary to get our fiscal house in order.

During this holiday season, the people who are without work and struggling to pay their mortgages or strug-

gling to save money so their kids can go to school, struggling to pay bills, wondering what the future is going to hold, those working two or three jobs, they are all out there saying we have to get this together, we have to get this country moving again. We cannot do that if we are plunging into debt or the policies coming out of this administration are denying our citizens the right to work in jobs that are available, such as the Keystone Pipeline. I can't even pay the utility cost now they say and if you are going to raise my rates 20 to 30 percent because of these regulations it is not going to be the kind of joyful, happy celebration at Christmas we would all wish for all our families across America.

With that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. CASEY. Mr. President, I have a number of consents I will offer.

EXTENSION OF MORNING BUSINESS

Mr. CASEY. Mr. President, I ask unanimous consent that the period for morning business be extended until 5 p.m., with Senators permitted to speak for up to 10 minutes each.

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

INSULAR AREAS ACT OF 2011

Mr. CASEY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. 2009, introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 2009) to improve the administration of programs in the insular areas, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. BINGAMAN. Mr. President, I am pleased to be joined by my colleague from Alaska, and the ranking member of the Committee on Energy and Natural Resources, LISA MURKOWSKI, in urging passage of the Insular Areas Act of 2011. This legislation would enact three time-sensitive provisions needed to improve the operation of certain Federal programs in the U.S. territory of American Samoa and in the freely associated states of the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

First, section 2 of the bill would amend the Compact of Free Association Amendments Act of 2003 to direct the Secretary of Energy, as a part of

the Department's Marshall Islands radiation monitoring program, to also periodically monitor the containment structure on Runit Island where nuclear cleanup wastes are buried. This new monitoring would include a visual inspection of the containment structure and a radiochemical analysis of groundwater surrounding and in the structure. This section of the bill further requires the Secretary to submit a report to Congress with the results of the monitoring. Finally, the section requires that the Secretary of the Interior shall make available to DOE, from existing technical assistance funds, the funding needed to conduct the chemical analysis of groundwater.

This section was requested by the Government of the Marshall Islands because of continuing concerns about radiation contamination among the people living and fishing near Runit Island. Officials from the Department of Energy regularly visit the islands near Runit as a part of DOE's ongoing Marshall Islands monitoring activities, and it is reasonable to direct that those officials periodically monitor the Runit Island containment structure to assure the community that the surrounding waters are not being contaminated and do not pose a health risk to persons living and fishing nearby.

Second, section 3 of the bill would amend current law which authorizes U.S. judges to serve temporarily, on a reimbursable basis, on the courts of the freely associated states. These island nations were formerly administered by the United States under a U.N. trusteeship, and the practice of providing temporary judges on a reimbursable and time-available basis to assist local courts has existed for several decades. This section was requested by the Government of the Republic of the Marshall Islands, which has few judges of its own and seeks to have additional U.S. judges available to assist, particularly when multijudge panels are needed to hear appeals. This authority is used by the Ninth Circuit Court only a few days per year when such temporary assignments do not interfere with the caseload of the assigned judges. The section would expand the pool of eligible judges from circuit and district judges, to include magistrate and territorial judges. On March 31, 2011, I received a letter from the Judicial Conference of the United States stating its support for this provision.

Finally, section 4 of this bill would amend the Fair Minimum Wage Act of 2007 to delay the 50-cent increase in the minimum wage of American Samoa that is scheduled for September 30, 2011, until September 30, 2015. It would also delay future periodic minimum wage increases and the periodic GAO report on the impact of prior wage increases from a 2-year to a 3-year, cycle.

American Samoa is a small, remote, unincorporated and unorganized U.S. territory—the only U.S. territory in the Southern Hemisphere. Its economy more closely resembles that of the

nearby island-nation of Samoa than it does the U.S. economy. It has a large subsistence sector, as indicated by a 30 percent unemployment rate, and an average per capita income of about \$7,000 year—less than a quarter of the poorest State. The wage economy is concentrated in the government sector and fish processing. In recent years, however, trade globalization and rising costs have contributed to a severe economic downturn. GAO recently reported—GAO-11-427—that one of two tuna canneries closed in 2009 and the other cannery significantly reduced operations. Employment in this key sector fell by 55 percent from 2009 to 2010. The U.S. minimum wage was extended to American Samoa in 2007, with annual increases of 50 cents starting in 2008. But, because of the severe downturn, Congress delayed the 2010 wage increase until 2012. The Government of American Samoa is requesting this further delay because of the unique and continuing challenges it faces along with other South Pacific island economies.

Mr. President, there are no authorizations in the bill, and any additional costs associated with its enactment would be funded from existing sources. These are time-sensitive provisions of interest to these remote U.S.-affiliated island communities, and I urge the support of my colleagues in passing this bill.

Mr. CASEY. Mr. President, I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements relating to the matter be printed in the RECORD.

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

The bill (S. 2009) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:
S. 2009

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Insular Areas Act of 2011".

SEC. 2. CONTINUED MONITORING ON RUNIT ISLAND.

Section 103(f)(1) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921b(f)(1)) is amended—

(1) by striking "Notwithstanding" and inserting the following:

"(A) IN GENERAL.—Notwithstanding"; and
(2) by adding at the end the following:

"(B) CONTINUED MONITORING ON RUNIT ISLAND.—

"(i) CACTUS CRATER CONTAINMENT AND GROUNDWATER MONITORING.—Effective beginning January 1, 2012, the Secretary of Energy shall, as a part of the Marshall Islands program conducted under subparagraph (A), periodically (but not less frequently than every 4 years) conduct—

"(I) a visual study of the concrete exterior of the Cactus Crater containment structure on Runit Island; and

"(II) a radiochemical analysis of the groundwater surrounding and in the Cactus Crater containment structure on Runit Island.

"(ii) REPORT.—The Secretary shall submit to the Committee on Energy and Natural Resources of the Senate, and the Committee on Natural Resources of the House of Representatives, a report that contains—

"(I) a description of—

"(aa) the results of each visual survey conducted under clause (i)(I); and

"(bb) the results of the radiochemical analysis conducted under clause (i)(II); and

"(II) a determination on whether the surveys and analyses indicate any significant change in the health risks to the people of Enewetak from the contaminants within the Cactus Crater containment structure.

"(iii) FUNDING FOR GROUNDWATER MONITORING.—The Secretary of the Interior shall make available to the Department of Energy, Marshall Islands Program, from funds available for the Technical Assistance Program of the Office of Insular Affairs, the amounts necessary to conduct the radiochemical analysis of groundwater under clause(i)(II)."

SEC. 3. CLARIFYING THE TEMPORARY ASSIGNMENT OF JUDGES TO COURTS OF THE FREELY ASSOCIATED STATES.

Section 297(a) of title 28, United States Code, is amended by striking "circuit or district judge" and inserting "circuit, district, magistrate, or territorial judge of a court".

SEC. 4. DELAY OF SCHEDULED MINIMUM WAGE INCREASE IN AMERICAN SAMOA.

(a) DELAYED INCREASE PENDING GOVERNMENT ACCOUNTABILITY OFFICE REPORT.—Section 8103(b)(2)(C) of the Fair Minimum Wage Act of 2007 (29 U.S.C. 206 note; Public Law 110-28) is amended—

(1) by striking "each year thereafter until" and inserting "on September 30 of every third year thereafter until"; and

(2) by striking "except that" and all that follows through "September 30" and inserting "except that there shall be no such increase in 2012, 2013, and 2014 pending the triennial report required under section 8104(a)".

(b) TRIENNIAL GOVERNMENT ACCOUNTABILITY OFFICE REPORT.—Section 8104(a) of the Fair Minimum Wage Act of 2007 (29 U.S.C. 206 note; Public Law 110-28) is amended by striking "April 1, 2013, and every 2 years" and inserting "April 1, 2014, and every 3 years".

Mr. CASEY. Mr. President, I ask unanimous consent that following my remarks, Senator HUTCHISON be recognized for floor remarks.

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

PAYROLL TAX CUT

Mr. CASEY. Mr. President, I rise to speak about the payroll tax cut we have been debating and considering these many weeks and which we seem to be making some progress on today. I know we will hear more about that later today. I wish to make a couple points—first about the issue itself and then a few points about what is happening in Pennsylvania. I wish to highlight some of the constituent mail we have received about this issue and about the state of the economy and people's lives.

But first and foremost, by way of review, we have had a number of weeks now of debate about the payroll tax and putting in place an agreement where both parties can come together to make sure we put in place the payroll tax cut we agreed to last year.