

your desire to see any culprits identified and prosecuted, but the Administration's actions are inconsistent with your words.

Already, just 14 days into this investigation, there have been at least five serious missteps.

First, although the Department of Justice commenced its investigation on Friday, September 26, the Justice Department did not ask the White House to order employees to preserve all relevant evidence until Monday, September 29. Every former prosecutor with whom we have spoken has said that the first step in such an investigation would be to ensure all potentially relevant evidence is preserved, yet the Justice Department waited four days before making a formal request for such documents.

Second, when the Justice Department finally asked the White House to order employees to preserve documents, White House Counsel Alberto Gonzales asked for permission to delay transmitting the order to preserve evidence until morning. That request for delay was granted. Again, every former prosecutor with whom we have spoken has said that such a delay is a significant departure from standard practice.

Third, instead of immediately seeking the preservation of evidence at the two other Executive Branch departments from which the leak might have originated, i.e., State and Defense, such a request was not made until Thursday, October 1. Perhaps even more troubling, the request to State and Defense Department employees to preserve evidence was telegraphed in advance not only by the request to White House employees earlier in the week, but also by the October 1st Wall Street Journal report that such a request was "forthcoming" from the Justice Department. It is, of course, extremely unusual to tip off potential witnesses in this manner that a preservation request is forthcoming.

Fourth, on October 7, White House spokesperson Scott McClellan stated that he had personally determined three White House officials, Karl Rove, Lewis Libby and Elliot Abrams, had not disclosed classified information. According to press reports, Mr. McClellan said, "I've spoken with each of them individually. They were not involved in leaking classified information, nor did they condone it." Clearly, a media spokesperson does not have the legal expertise to be questioning possible suspects or evaluating or reaching conclusions about the legality of their conduct. In addition, by making this statement, the White House has now put the Justice Department in the position of having to determine not only what happened, but also whether to contradict the publicly stated position of the White House.

Fifth, and perhaps most importantly, the investigation continues to be directly overseen by Attorney General Ashcroft who has well-documented conflicts of interest in any investigation of the White House. Mr. Ashcroft's personal relationship and political alliance with you, his close professional relationships with Karl Rove and Mr. Gonzales, and his seat on the National Security Council all tie him so tightly to this White House that the results may not be trusted by the American people. Even if the case is being handled in the first instance by professional career prosecutors, the integrity of the inquiry may be called into question if individuals with a vested interest in protecting the White House are still involved in any matter related to the investigation.

We are at risk of seeing this investigation so compromised that those responsible for this national security breach will never be identified and prosecuted. Public confidence in the integrity of this investigation would be substantially bolstered by the appointment of a special counsel. The criteria in the

Justice Department regulations that created the authority to appoint a Special Counsel have been met in the current case. Namely, there is a criminal investigation that presents a conflict of interest for the Justice Department, and it would be in the public interest to appoint an outside special counsel to assume responsibility for the matter. In the meantime, we urge you to ask Attorney General Ashcroft to recuse himself from this investigation and do everything within your power to ensure the remainder of this investigation is conducted in a way that engenders public confidence.

Sincerely,

TOM DASCHLE.
JOSEPH R. BIDEN.
CARL LEVIN.
CHARLES E. SCHUMER.

Mr. GRAHAM. I guess the difference is we are supposed to trust Democratic administrations, and we can't trust Republican administrations. I guess that is the difference. It is the only difference I can glean here. Certainly, the subject matter in question is as equal to or more serious in terms of how it has damaged the Nation and in terms of the structure of a special counsel. If we thought it was necessary to make sure the Abramoff investigation could lead to high-level Republicans, which it did, and if we thought the Valerie Plame case needed a special counsel to go into the White House because that is where it went, why would we not believe it would help the country as a whole to appoint somebody we can all buy into in this case, give them the powers of a special counsel? That is what was urged before when the shoe was on the other foot.

This is a very big deal. We are talking about serious criminal activity. Apparently, the suspects are at the highest level of government, and I believe it was done for political purposes. To not appoint a special counsel would set a precedent that I think is damaging for the country and is absolutely unimaginable in terms of how someone could differentiate this case from the other two we have talked about.

To my Democratic colleagues: Don't go down this road. Don't be part of setting a precedent of not appointing a special counsel for some of the most serious national security leaks in recent memory—maybe in the history of the country—while at the same time most of my Democratic colleagues were on the record asking about a special counsel about everything and anything that happened in the Bush administration. This is not good for the country.

Mr. MCCAIN. I appreciate the indulgence of my colleagues.

UNANIMOUS CONSENT REQUEST

As in legislative session, I ask unanimous consent that the Senate now proceed to the consideration of a resolution regarding the recent intelligence leaks, which means the appointment of a special counsel, which is at the desk. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. WYDEN. Reserving the right to object—

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I have served on the Intelligence Committee for 11 years now, and I have seen during that time plenty of leaks. I have tried with every bit of my energy to demonstrate how serious an issue this leaking matter is. In fact, I teamed up with Senator Bond—our colleagues remember Senator Bond, of course—and I sponsored legislation to double—double—the criminal penalty for those who leak, for those who expose covert agents. So I don't take a back seat to anybody in terms of recognizing the seriousness of leaks and ensuring that they are dealt with in an extremely prompt and responsive fashion.

What is at issue here is whether we are going to give an opportunity for U.S. attorneys—professionals in their fields—to handle this particular inquiry. I see no evidence that the way the U.S. attorneys are handling this investigation at this time is not with the highest standards of professionalism.

I have disagreed with the Attorney General on plenty of issues. My colleagues know I have been particularly in disagreement with the Attorney General on this issue of secret law. I think there are real questions about whether laws that are written in the Congress are actually the laws that govern their interpretations. So I have disagreed with the Attorney General on plenty of matters. I think I have demonstrated by writing that law with Senator Bond that I want to be as tough as possible on leakers.

But I would now have to object to the request from our colleague from Arizona simply because I believe it is premature. For that reason, Mr. President, I object to the request from the Senator from Arizona.

The PRESIDING OFFICER. Objection is heard.

The Senator from Oklahoma.

PRESIDENT'S WAR ON COAL

Mr. INHOFE. Mr. President, I think I have time reserved now for up to 30 minutes. I wish to first of all say that the subject we have been listening to is life threatening. It is critical. That is not why I am down here today because we have something else that is very important.

I have come to the floor today with some breaking news. The momentum to stop President Obama's war on coal is now so great that some of my colleagues—Senators ALEXANDER and PRYOR—are going to introduce a countermeasure to my resolution. My resolution would put a stop to the second most expensive EPA regulation in history—a rule known as Utility MACT, with which the occupier of the chair is very familiar. The countermeasure is a cover bill, pure and simple.

While my resolution requires the EPA to go back to the drawing board

to craft a rule in which utilities can actually comply, the measure that Senators ALEXANDER and PRYOR are offering would keep Utility MACT in place but delay the rule for 6 years. This alternative is a clear admission that the Obama EPA's policy is wrong, but it does not fix the problem. It simply puts off the day of execution for a matter of 6 years.

What is really going on here? Since my S.J. Res. 37 is a privileged motion, it must be voted on by Monday, June 18, unless we extend it, which I would be willing to do, until after the farm bill takes place. That might be a better idea. It requires 50 votes to pass. The Alexander-Pryor cover bill will likely be introduced tomorrow. It is a bill that will likely never be voted on and would require 60 votes to pass. Therefore, the Senators who want to kill coal by opposing S.J. Res. 37 will put their names on the Alexander-Pryor bill as cosponsors to make it look as if they are saving coal, when in reality that bill, the Alexander-Pryor bill, kills coal in 6 years.

We have seen this before. I remember when we considered the Upton-Inhofe Energy Tax Prevention Act when it came to the floor last year. It was a measure that would have prevented the EPA from regulating greenhouse gases under the Clean Air Act. I would like to expand on that, but there is not time to do that.

My colleagues offered a number of counteramendments so they could have a cover vote. They wanted to appear as if they were reining in the out-of-control EPA—and I think everybody knows what is going on right now with all those regulations—for their constituents back home, all the while letting President Obama go through with his job-killing regulations. Some chose to vote for the only real solution to the problem—the Energy Tax Prevention Act—and some chose the cover vote. But all in all, 64 Senators went on record that day as wanting to rein in the EPA. But some of them did not have the courage to stand by it.

Of course, it is highly unlikely the Utility MACT alternative by Senators ALEXANDER and PRYOR will ever get a vote, but that is not the point. The point is just to have something out there that Senators in a tough spot can claim to support.

As I have said many times now, the vote on S.J. Res. 37 will be the one and only opportunity to stop President Obama's war on coal. This is the only vote. There is no other vote out there. If we do not do this, and that rule goes through—Utility MACT—coal is dead. This is the only chance we have.

Fortunately, we have a thing called the CRA. It is a process whereby a Senator can introduce a resolution to stop an unelected bureaucrat from having some kind of an onerous regulation. That is exactly what I have done with this. But this is the only chance for my colleagues to show constituents who they do stand with. Which of my col-

leagues will vote for the only real solution, which is my resolution, and which of my colleagues will vote for a cover vote?

What has changed over the past few weeks to the extent of my colleagues suddenly feeling it necessary for a cover vote?

A lot has changed because the American people are speaking up, and they are not happy about the Obama EPA. When I go back to Oklahoma, that is all I hear. It does not matter if you are in the ag business, if you are in the military business, if you are in the manufacturing business, they are all talking about the onerous regulations that are taking place in the EPA. I am pleased to say we have picked up the support of groups representing business and labor. Even more encouraging is a growing number of elected officials are working across the aisle to save coal. The Senate has taken notice, and the first Senate Democrats are beginning to come on board.

I want to commend Senator JOE MANCHIN, who happens to be occupying the chair at this time, and Senator BEN NELSON. They were the first two Senate Democrats to come out publicly in support of our resolution. I must say, I am very glad to see that they have made the right choice to stand with their constituents.

Senator MANCHIN's announcement came just after the Democratic Governor of West Virginia, Governor Tomblin, sent a letter asking him, as well as Senator ROCKEFELLER, to vote for my resolution because, he said, EPA's rules have—and I am quoting now the Democratic Governor of West Virginia; and the occupier of the chair will know this—EPA's rules have “coalesced to create an unprecedented attack on West Virginia's coal industry.” Still quoting, he said: “This attack will have disastrous consequences on West Virginia's economy, our citizens and our way of life,” and that EPA “continues on this ill-conceived path to end the development of our nation's most reliable cost-effective source of energy—coal.”

I am very proud of a lot of the officials in West Virginia for what they have come out with. Governor Tomblin is not the only Democrat to be concerned. West Virginia Lieutenant Governor Jeffrey Kessler sent a separate letter to the West Virginia Senators and others asking them to pass S.J. Res. 37 in order to save what he called West Virginia's “most valuable state natural resource and industry.” He reminded the Senators that:

On May 25, 2012, the State of West Virginia challenged the MATS rule—

that is the kill coal rule—and cited four reasons the defective rule should be rejected.

That is not all. A group of bipartisan State legislators from West Virginia also wrote the Senators and others urging them to support S.J. Res. 37 out of concern for the devastating impact on West Virginia. As they wrote:

Several West Virginia power plants have announced their closure and the loss of employment that comes with it. Additionally, it is projected that with the implementation of this rule, consumer electric rates will skyrocket.

We all know that is true. Even the President has stated that.

I wish to note that we have support from nearly 80 percent of the private sector—those businesses that President Obama claims are “doing just fine.” Apparently, they do not think they are doing all that fine. American businesses are suffering because of aggressive overregulation by the Obama administration.

Let me take a minute to read the names of just some of the groups that are supporting our efforts to pass S.J. Res. 37: The National Federation of Independent Business, the U.S. Chamber of Commerce, the American Farm Bureau, the National Association of Manufacturers, the Industrial Energy Consumers of America, the American Chemistry Council, the Association of American Railroads, the American Forest and Paper Association, the American Iron and Steel Institute, the Fertilizer Institute, the Western Business Roundtable, and the National Rural Electric Cooperative Association.

That is just part of it.

Then the unions. The unions are coming too—I have talked about the businesses and read all of their groups—they have come to stop the overregulation that is killing jobs. Cecil Roberts, I had the occasion to meet him once. He is the president of the United Mine Workers, one of the largest labor unions in the country. He recently sent a letter to several Senators saying the union's support for my resolution is “based upon our assessment of the threat that the EPA MATS rule”—that is the coal-killing rule—“poses to United Mine Workers Association members' jobs, the economies of coal field communities, and the future direction of our national energy policy.”

Remember, Cecil Roberts is the one who traveled across the country in 2008 campaigning for President Obama. But after 4 years of his regulatory barrage designed to kill the mining jobs his union is trying to protect, Mr. Roberts has said his group may choose not to endorse President Obama or just sit the election out. As he explained:

We've been placed in a horrendous position here. How do you take coal miners' money and say let's use it politically to support someone whose EPA has pretty much said, “You're done”?

With even Democrats and unions supporting my effort to save millions of jobs that depend on coal, EPA has to be feeling the pressure.

Gina McCarthy, the Assistant Administrator of EPA's Office for Air and Radiation, came out with a statement last week vehemently denying that Utility MACT and EPA's other rules are an effort to end coal. She said:

This is not a rule that is in any way designed to move coal out of the energy system.

Everybody knows better than that.

EPA Administrator Lisa Jackson echoed this sentiment saying that it is simply a coincidence that these rules are coming out at the “same time” that natural gas prices are low so utilities are naturally moving toward natural gas. Her message was: Do not blame the EPA.

Last week on the Senate floor, I described why their public health and natural gas arguments do not hold up, so I will not go into that today. But what I wish to focus on today is that these claims backing up their efforts to kill coal are just a part of the far-left environmental playbook.

There is a pretty big difference between what EPA is saying publicly and what they are saying when they talk with their friends, when they feel as though they can let their guard down and admit what is really going on down at the EPA. That is exactly what happened in a video recently uncovered of Region 6 Administrator Al Armendariz. While President Obama was posing in front of an oil pipeline in my State of Oklahoma pretending to support oil and gas, Administrator Armendariz told us the truth, that EPA’s “general philosophy” is to “crucify” and make examples of oil and gas companies.

You may remember last week when I spoke on the Senate floor, I talked about a newly discovered video of EPA Region 1 Administrator Curt Spalding who is caught on tape telling the truth to a group of his environmental friends at Yale University. At a gathering there, he said that EPA’s rules are specifically designed to kill coal and that the process isn’t going to be pretty.

He openly admitted:

If you want to build a coal plant you got a big problem.

He goes on to say that the decision to kill coal was “painful every step of the way” because it will devastate communities in Virginia, Pennsylvania, and any area that depends on coal for jobs and livelihoods. That is kind of worth repeating. He said it is going to be painful. At least he recognized that. And we all know exactly what he is talking about.

I read his whole quotes on the floor of the Senate. They are a little too long to read now. But he talks about how painful it is going to be for all these families who are losing their jobs because we are killing coal.

I talked a lot about President Obama’s war on coal last week, but what I did not have time to address was the Obama administration’s allies in this war. It would come as no surprise that Administrator Spalding and, indeed, many at EPA are working hand in hand with the far-left environmental groups to move these regulations to kill coal.

Last July, Administrator Spalding spoke at a Boston rally for Big Green groups—that is capitalized: “Big

Green”—supporting EPA’S Utility MACT rule. That is the rule that would kill coal. In a YouTube video of this rally, Administrator Spalding gushes over the environmental community, thanking them profusely for “weighing in on our behalf.” So here we have EPA admitting that Big Green is working for them.

His whole speech was directly out of the environmental playbook. This is something that really exists: the environmental playbook. It was all about the so-called health benefits of killing coal. And he said:

Don’t let anybody tell you these rules cost our economy money.

This is out of their playbook.

Administrator Spalding is not alone in his alliance with Big Green. Also appearing with these far-left environmental groups was Region 5 Administrator Susan Hedman. According to Paul Chesser, an associate fellow for the National League and Policy Center, Hedman told supporters at the rally:

We really appreciate your enthusiastic support for this rule. It’s quite literally a breath of fresh air compared with what’s going on in the nation’s capital these days.

Of course, the former EPA region 6 Administrator Armendariz showed us again last week just how close EPA’s relationship is with the far left groups. Armendariz had agreed to testify before Congress. It was actually over in the House, but at the last minute he canceled. As it turns out, Armendariz was in Washington that day. But while he apparently could not find time to testify before Congress, he did have time to stop by the Sierra Club for what has been described by the group as a private meeting. I suspect that Armendariz was there for a job interview. His “crucify them” resume makes him the perfect candidate.

Of course, EPA and their Big Green allies cannot tell the public the truth that they are crucifying oil and gas companies or that their efforts to kill coal will be “painful every step of the way” so they are deceiving the public with talking points from their playbook. When I say “playbook,” I mean a literal document telling activists exactly how to get the emotional effects they want.

We recently got a copy of this, and I have to say its contents are quite revealing. It comes from usclimatenetwork.com, a coalition of several major environmental groups, and it is a guideline for environmental activists when they attend hearings with the EPA to support the agency’s greenhouse gas regulations.

A quick search revealed it was apparently written by a key player in the Sierra Club’s Beyond Coal campaign, which is an aggressive effort to shut down all coal plants across America. After offering some tips on the word limit and how to deliver the message, the document urges activists to make it personal. It asks: Are you an expectant or new mother? Grandparent? If so, it suggests you bring your baby to the

hearing. As it states, some examples of great visuals are “holding your baby with you at the podium or pushing them in strollers, baby car seats,” and so forth. “Older children are also welcome.” It encourages the visual aids of “Asthma inhalers, medicine bottles, healthcare bills” and all these other things that are good visuals.

The American Lung Association certainly took a page of this playbook. We have all seen the commercials of the red buggy in front of the Capitol. Of course, the Sierra Club put their principles to practice by inundating the American people with images of small children with inhalers.

The posters for the Beyond Coal campaign also featured abdomens of pregnant women with an arrow pointing to the unborn baby. The words on the arrow are, “This little bundle of joy is now a reservoir for mercury.” Another one says, “She’s going to be so full of joy, love, smiles, and mercury.”

Of course, the supreme irony is that the campaign that claims to be protecting this unborn child is the same one that is aggressively prochoice. It is coming from a movement that believes there are too many people in the world and actively advocates for population control and abortion.

Just after a hearing in May of this year, the Sierra Club posted pictures of their efforts. Sure enough, there is one of Mary Anne Hitt, director of the Sierra Club’s Beyond Coal campaign, holding her 2-year-old daughter Hazel. But for all their efforts, it is clear the campaign is about one thing only; that is, killing coal.

At a hearing, Mary Anne Hitt with the Sierra Club said, “We are here today to thank the Obama administration and to show our ironclad support for limiting dangerous carbon pollution being dumped into the air.” She apparently sees the Obama administration as the closest ally in the Sierra Club’s effort, and she has said about the Beyond Coal campaign:

Coal is a fuel of the past. What we’re seeing now is the beginning of a growing trend to leave it there.

Of course, it is not just coal they want to kill; they want to kill coal, oil, and gas. A lot of people do not realize that. It was not long ago that Michael Brune, the executive director of the Sierra Club, said:

As we push to retire coal plants, we’re going to work to make sure we are not simultaneously switching to natural gas infrastructure. And we’re going to be preventing new gas plants from being built wherever we can.

So it is not just coal. It is oil. It is gas. We have to ask the question—at least I get the question asked when I go back to my State of Oklahoma because there are normal people there. They say: If we do not have coal, oil, and gas, how do you run this machine called America? The answer is we cannot.

As this vote on my Utility MACT resolution approaches, look for many of

my liberal friends to take their arguments directly out of the far left environmental playbook. Get ready to see lots of pictures of babies and children using inhalers. But these are the same Members who voted against my Clear Skies bill, that would have given us a 70-percent reduction in real pollutants, I am talking about SO_x, NO_x, and mercury. We had that bill up, and that was one that would have actually had that reduction—a greater reduction than any President has advocated. When President Obama spoke—at that time he was in the Senate—he said: I voted against the Clear Skies bill. In fact, I was the deciding vote, despite the fact that I am from a coal State and half my State thought I had thoroughly betrayed them because I thought clean air was critical and global warming was critical.

At an April 17 hearing this year, Senator BARRASSO and Brenda Archambo, of the Sturgeon for Tomorrow, who testified before the EPW Committee, “Would Michigan lakes, sturgeon, sportsmen, families have been better off had those reductions already gone into effect when they had the opportunity to pass [Clear Skies]?”

Her answer was yes. We are talking about, by this time, 6 years from now, we would have been enjoying those reductions. There are crucial differences between Clear Skies and Utility MACT. Clear Skies would have reduced the emissions without harming jobs and our economy because it was based on a commonsense, market-based approach. It was designed to retain coal in American electricity generation while reducing emissions each year.

On the other hand, Utility MACT is specifically designed to kill coal as well as all the good-paying jobs that come with it. EPA itself admits the rule will cost \$10 billion to implement, but \$10 billion will yield \$6 million in benefits. Wait a minute. That does not make sense. That is a cost-benefit ratio between \$10 billion and \$6 million of 1,600 to 1.

If their campaign is so focused on public health, why did Democrats oppose our commonsense clean air regulations? Very simple. Because we did not include CO₂ regulation in the Clear Skies legislation. President Obama's quote only verifies that. He is on record admitting he voted against these health benefits because regulating greenhouse gases, which have no effect whatsoever on public health, was more important. In other words, the real agenda is to kill coal.

Just before President Obama made the decision to halt the EPA's plan to tighten ozone regulations, the White House Chief of Staff Bill Daley asked: “What are the health impacts of unemployment?” That is one of the most important questions before this Senate in preparation for the vote on my resolution to stop Utility MACT. What are the health impacts on the children whose parents will lose their jobs due to President Obama's war on coal?

What are the health impacts on children and low-income families whose parents will have less money to spend on their well-being when they have to put more and more of their paychecks into the skyrocketing electricity costs?

EPA Administrator Spalding gave us a clue about the impacts of unemployment. It would be, as he said, “Painful. Painful every step of the way.” Do my colleagues in the Senate truly want that? I deeply regret that I have to be critical of two of my best friends in the Senate, Senators ALEXANDER and PRYOR, particularly Senator PRYOR. Three of my kids went to school with him at the University of Arkansas. He is considered part of our family. He is my brother. But if someone has been to West Virginia and to Ohio and to Illinois, to Michigan, to Missouri, and the rest of the coal States, as I have, and personally visited with the proud fourth- and fifth-generation coal families, as I have and certainly the occupier of the chair has, they know they will lose their livelihood if Alexander-Pryor saves the EPA's effort to kill coal. I cannot stand by and idly allow that to happen.

Let me conclude by speaking to my friends in this body who have yet to make up their minds as to whether they will support my resolution. I know everyone in the Senate wants to ensure we continue to make the tremendous environmental progress we have made over the past few years. We truly have.

The Clean Air Act many years ago cleaned up the air. We have had successes. Unfortunately, this administration's regulations are failing to strike that balance between growing our economy and improving our environment. Rather, this agenda is about killing our ability to run this machine called America.

Again, I wish to welcome the support of Senators MANCHIN and BEN NELSON, who listened to their constituents. It is the rest of the Senators from the coal States that I am concerned about. What about Senators LEVIN and STABENOW, who come from a State that uses coal for 60 percent of its electricity?

What about Senator CONRAD from a State with 85 percent of the electricity coming from coal? In Ohio, where Senator BROWN is from, 19,000 jobs depend on coal. Then there is Virginia, home of Senators WARNER and WEBB, which has 31,660 jobs, a 16 to 19 percent increase in the electric rates.

Arkansas, the war on coal there, that is 44.9 percent of electricity generation in the State of Arkansas; Tennessee, 52 percent of electricity generation, 6,000 jobs; Missouri, 81 percent of electricity generation—81 percent in the State of Missouri. That is 4,600 jobs at stake; Montana, 58 percent; Louisiana, that is 35 percent of electricity generation. These are all States that depend on coal for their electricity generation; lastly, Pennsylvania, 48.2 percent of electricity generation, 49,000 jobs

would be lost in Pennsylvania if utility MACT is passed. That is significant. I would not be surprised if all these Senators from coal States that I just mentioned will vote for the bill of Senators ALEXANDER and PRYOR that says: Let's kill coal, but let's put it off for 6 years.

I repeat. It does not do any good to delay the death sentence on coal 6 years. Contracts will already be violated and the mines will be closed. So I say to my colleagues that their constituents will see right though those of who choose a cover vote. The American people are pretty smart. They know there is only one real solution to stop, not just delay, EPA's war on coal.

I hope they will join Senators MANCHIN and NELSON and me and several others and stand with the constituents, instead of President Obama and his EPA, which will make it painful every step of the way for them all. We need to pass S.J. Res. 37 and put an end to President Obama's war on coal. This is the last chance we have to do this. There is no other vote coming along.

If a Senator does not want to kill coal, they have to support S.J. Res. 37. It is our last chance to do it. Again, we do not know when this is going to come up. It is locked in a time limit, unless we, by unanimous consent, increase that time. I have no objection to putting it off until after the farm bill because that is a very important piece of legislation. So we will wait and see what takes place.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:28 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. WEBB).

EXECUTIVE SESSION

NOMINATION OF ANDREW DAVID HURWITZ TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT—Continued

The PRESIDING OFFICER. The Senator from South Carolina.

SPENDING

Mr. DEMINT. Mr. President, I will speak for a few minutes on the farm bill, which we are debating this week.

Four years ago, President Obama was elected on the promise of change, the promise to cut the deficit in half in the first term, and to get unemployment, before the end of his first term, to a low of 6 percent. We all know what happened to those promises.

Two years ago, a wave of Republicans were elected with the promise of cutting spending, borrowing, and debt. Yet debt has continued to explode, as has spending. We were promised change,