Whereas children of color are more likely to stay in the foster care system for longer periods of time and are less likely to be reunited with their biological families;

Whereas foster parents are the front-line caregivers for children who cannot safely remain with their biological parents and provide physical care, emotional support, education advocacy, and are the largest single source of families providing permanent homes for children leaving foster care to adoption;

Whereas children in foster care who are placed with relatives, compared to children placed with nonrelatives, have more stability, including fewer changes in placements, have more positive perceptions of their placements, are more likely to be placed with their siblings, and demonstrate fewer behavioral problems;

Whereas an increased emphasis on prevention and reunification services is necessary to reduce the number of children that are forced to remain in the foster care system;

Whereas more than 27,900 youth ''age out'' of foster care without a legal permanent connection to an adult or family;

Whereas children who age out of foster care may lack the security or support of a biological or adoptive family and frequently struggle to secure affordable housing, obtain health insurance, pursue higher education, and acquire adequate employment;

Whereas foster care is intended to be a temporary placement, but children remain in the foster care system for an average of 2 years;

Whereas volunteers, guardians, mentors, and workers in the child-protective-services community play a vital role in improving the safety of the most valuable youth and work hard to increase permanency through reunification, adoption, and guardianship;

Whereas due to heavy caseloads and limited resources, the average tenure for a worker in child protection services is just 3 years;

Whereas on average, 8.5 percent of the positions in child protective services remain vacant;

Whereas States, localities, and communities should be encouraged to invest resources in preventative and reunification services and postpermanency programs to ensure that more children in foster care are provided with safe, loving, and permanent placements;

Whereas Federal legislation over the past 3 decades, including the Adoption Assistance and Child Welfare Act of 1980 (Public Law 96–272), the Adoption and Safe Families Act of 1997 (Public Law 105–89), the Fostering Connections to Success and Increasing Adoptions Act of 2008 (Public Law 110–351), and the Child and Family Services Improvement and Innovation Act (Public Law 112–34) provided new investments and services to improve the outcomes of children in the foster care system;

Whereas May is an appropriate month to designate as National Foster Care Month to provide an opportunity to acknowledge the child-welfare workforce, foster parents, advocacy community, and mentors for their dedication, accomplishments, and positive impact they have on the lives of children; and

Whereas much remains to be done to ensure that all children have a safe, loving, nurturing, and permanent family, regardless of age or special needs: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes National Foster Care Month as an opportunity to raise awareness about the challenges faced by children in the foster care system, acknowledging the dedication of foster care parents, advocates, and workers, and encouraging Congress to implement policy to improve the lives of children in the foster care system;

(2) encourages Congress to implement policy to improve the lives of children in the foster care system;

(3) supports the designation of May as National Foster Care Month;

(4) acknowledges the special needs of children in the foster care system;

(5) recognizes foster youth throughout the United States for their ongoing tenacity, courage, and resilience while facing life challenges;

(6) acknowledges the exceptional alumni of the foster care system who serve as advocates and role models for youth who remain in care;

(7) honors the commitment and dedication of the individuals who work tirelessly to provide assistance and services to children in the foster care system; and

(8) reaffirms the need to continue working to improve the outcomes of all children in the foster care system through parts B and E of title IV of the Social Security Act (42 U.S.C. 601 et seq.) and other programs designed to—

(A) support vulnerable families;

(B) invest in prevention and reunification services;

(C) promote adoption and guardianship in cases where reunification is not in the best interests of the child;

(D) adequately serve those children brought into the foster care system; and

(E) facilitate the successful transition into adulthood for children that ''age out'' of the foster care system.

ORDERS FOR TUESDAY, JUNE 5, 2012

Mr. BROWN of Ohio. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., on Tuesday, June 5; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day and the majority leader be recognized; that following the remarks of the majority leader and those of the Republican leader, the time until 12:30 p.m. be equally divided and controlled between the two leaders or their designees, with the majority controlling the first 30 minutes and the Republicans controlling the second 30 minutes; further, that the Senate recess from 12:30 p.m. until 2:15 to allow for the weekly caucus meetings.

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

PROGRAM

Mr. BROWN of Ohio. It is the majority leader's intention to resume consideration of the motion to proceed to S. 3220, the Paycheck Fairness Act, when the Senate convenes tomorrow. At 2:15 there will be a cloture vote on the motion to proceed to the paycheck fairness bill.

ORDER FOR ADJOURNMENT

Mr. BROWN of Ohio. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order following the remarks of Senator INHOFE.

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

UTILITY MACT

Mr. INHOFE. Madam President, first of all, let me thank the Senator from Ohio for allowing me to interrupt him for my unanimous consent request.

This month, the Senate will have the opportunity to put a stop to the second most expensive EPA regulation in history, the rule known as Utility MACT. It is kind of confusing. Let me share with everyone what it means: MACT—and we better learn it now because we are going to hear it more and more—it is M-A-C-T. That means Maximum Achievable Controlled Technology. In other words, the EPA comes along and makes a regulation where there is no technology that will accommodate the rule. So that is what it is all about. That is what the Obama EPA calls it so the people will not know what it is and how much it costs. It is the first step—we are talking about Utility MACT—it is the first step to kill coal in the United States.

Right now, we in this country depend upon coal for 50 percent of our electricity. One can just imagine what will happen to our energy costs as well as millions of lost jobs. I have introduced a joint resolution to kill it. By voting for my resolution, S.J. Res. 37, Members of the Senate can prevent the Obama EPA from causing so much economic pain for American families. It requires only a majority vote in the Senate and the House. It would have to be signed by the President.

People say: Why would the President sign a bill that would stop his EPA from overregulating? I would suggest that right before the election, he does not want to go on record as causing that many job losses and that much damage to our economy.

Utility MACT is the centerpiece of President Obama's effort to kill coal. Utility MACT is specifically designed to close down existing coal plants, while the Obama EPA's greenhouse gas regulations are specifically designed to prevent any new coal plants from being built. So we are going to shut down the coal plants that are there now and prevent new coal plants from being built.

Keep in mind, 50 percent of our energy comes from coal. The goal behind these policies is not surprising. But what is surprising is that while President Obama goes around pretending to be for an all-of-the-above approach on energy—let's make sure we understand what that is. An all-of-the-above approach was the Republicans' idea. It was: We are for all of the above. We are for nuclear energy. We are for fossil fuels, coal, gas, oil, renewables, solar, everything else.

That is what ''all of the above'' means. The President has been saying

he is for an all-of-the-above approach on energy, while members of his green team administration cannot help but tell the truth about what is going on in the EPA. The Presiding Officer remembers several weeks ago when I came to the Senate floor to bring attention to a video of EPA region 6 Administrator Al Armendariz admitting that the EPA's general philosophy is to crucify and make examples of oil and gas companies.

We remember that, do we not? He said—and it was on a video, his voice with himself speaking to a group of people, including giving advice to those who were subordinates to him. He said: You have to do what the Romans did years ago when they would go around the Mediterranean. They would go into different areas in Turkey, and they would crucify the first five people they would see and leave them to die, dangling on a cross, in order to get them to submit to him.

Today, I would like to highlight another video. It is a video of the EPA region 1 Administrator Curt Spalding, admitting that the Obama EPA consciously and deliberately made the choice to wage war on coal. I am going to quote exactly what he said so everyone can have the full effect of it. He said:

> But know right now, we are, we are struggling. We are struggling because we are trying to do our jobs. Lisa Jackson has put forth a very powerful message to the country. Just two days ago, the decision on greenhouse gas performance standard and saying basically gas plants are the performance standard which means if you want to build a coal plant you got a big problem. That was a huge decision. You can't imagine how tough that was. Because you got to remember that if you go to West Virginia, Pennsylvania, and all those places, you have coal communities who depend on coal. And to say that we just think those communities should just go away, we can't do that. But she had to do what the law and the policy suggested. And it's painful. It's painful every step of the way.

Again, I am quoting the region 1 Administrator Curt Spalding in a statement he made. That is an exact quote. Let me repeat the key parts of Administrator Spalding's quote for emphasis. He said, ''If you want to build a coal plant you got a big problem.'' Even more stunning, he is admitting that the Obama EPA's decision to kill coal was painful every step of the way because West Virginia, Pennsylvania, and all the coal States depend on coal development for their jobs, their livelihoods.

I had occasion to be in West Virginia and in Ohio and see and speak face to face with people who are third-, fourth-generation workers in the coal mines. Those people are scared to death that coal will be killed. Here it is in front of us right now. They are going to kill coal anyway.

Trust me, Administrator Spalding and President Obama, it is far more painful for those who will lose their jobs and have to pay skyrocketing electricity prices than it will be for you.

Spalding's statement that ''if you want to build a coal plant you got a big problem'' reminds us a lot of President Obama's own statement about coal in 2008, when he was not so afraid to explain his real intention. Remember, he said—and this is a quote by the President in 2008. ''If you want to build a coal-fired power plant you can, it's just that it will bankrupt you.''

That was 2008. Sure enough, he is bringing that to reality. He is making every effort. Of course, this war on coal comes from the same administration that put the ''crucify them'' Administrator Armendariz in charge of the biggest oil-and-gas-producing region in the country. In fact, crucifixion philosophy is so obvious now that even the somewhat left-leaning Washington Post said that the Obama EPA is ''earning a reputation for abuse.''

But I think Kim Strassel of the Wall Street Journal put it best when she said that Armendariz was ''a perfect general for Mr. Obama's war against natural gas and on the front lines of President Obama's battle to end fossil fuels and affordable energy.''

As this most recent video of region 1 Administrator Spalding confirms, there are plenty of green generals such as Armendariz going into battle for the Obama EPA. We have several more videos of EPA officials making similar statements. I am not going to talk about them tonight. I will talk about those at a later date because today I would like to focus my remarks specifically on President Obama's war on coal and what Members of this body will choose to do about it.

The fundamental question before the Senate will be whether my colleagues will have the courage to stand up to President Obama and put the brakes on his abusive, out-of-control EPA that has openly admitted: If you want to build a coal plant, you have a big problem or if they are going to stand with President Obama and his administration's ''crucify'' agenda.

One of the most interesting and telling aspects of President Obama's disingenuous attempt to rebrand himself as a supporter of fossil fuels is that he never mentions coal. He does not even pretend. In fact, up until very recently, President Obama's campaign Web site had a section devoted to the President's goals for every energy resource except coal.

Only after facing intense criticism and disappointing primary results in coal States, which just happened recently—I think we are all aware of that—the Obama campaign attempted quietly to add a clean coal section to its site.

Apparently, President Obama's definition of clean coal is no coal. In his 2013 budget request, the President cut funding for coal research and development at the National Energy Technology Lab by nearly 30 percent. This is at the same time EPA has proposed greenhouse gas standards for coal-fired powerplants that require carbon capture and sequestration. We refer to that as CCS. It is a technology that is not ready to operate on a commercial scale.

On one hand, we have Obama issuing standards in which utilities cannot comply without using CCS; on the other hand, we have them handicapped in that very technology. In other words, what he is saying is that we have emissions standards for coal technology where there is no technology. There are standards required for emissions where there is no technology that will accommodate that request.

We are going to see it in other areas too. This is coal. I am concentrating just on coal tonight. After cap and trade was thoroughly rejected by the American people and defeated in a Democratically controlled Congress, President Obama promised that he would not give up in his efforts to stop coal development. He also said:

> Cap-and-trade was just one way of skinning the cat. It was a means, not an end. I'm going to be looking for other means to address this problem.

He has found other ways to skin the cat—by imposing regulations that have exactly the same effect of killing coal. I do not have time to go into every action EPA has taken, but I would like to highlight a few of the key coal-killing regulations. Front and center, of course, is Utility MACT. Utility MACT is a rule which sets strict standards that cannot be met, which means that along with EPA's other air rules, up to 20 percent of America's coal-fired capacity will be shuttered and around 1.6 million jobs will be lost.

That is initially. Carry that on through, considering that coal supplies 50 percent of our energy in this country, it is going to far exceed that, starting off with 50 percent of America's coal-fired capacity will be shut down. Utility MACT's pricetag is second only to the Obama EPA's greenhouse gas regulations, which are designed to prevent any new coal plants from being built in this country.

Similar to the Waxman-Markey cap-and-trade bill, these regulations will cost $300 to $400 billion a year and destroy over 2 million jobs. It may even cost more if the courts throw out the EPA's tailoring rule. It kind of gets into the weeds. It is a little bit complicated.

What they are attempting to do is the regulations that they were unable to do through legislation. We had several bills over a 12-year period to try to impose cap and trade. That cap and trade cost would be $300 billion to $400 billion. The tailoring rule is one where if EPA does it through regulation, doing the same thing, imposing cap and trade on the American people, it will not cost $300 billion to $400 billion a year, but it will be far more because it will have to reach the standards of the Clean Air Act. That would be regulating those emitters with 250,000 tons of emissions a year. Every school, church, restaurant, and coffee shop

would now have to be regulated and would be put out of business by the EPA.

EPA is also waging this war on the permitting front. We have been tracking this problem for a long time. A lot of people recognize when the Obama EPA was trying to shut down the gulf, they said: We are not going to do it because of public pressure. But then they refused to issue permits.

As my EPW minority report from January 2010 showed, the EPA was obstructing 190 coal mining permits, putting nearly 18,000 jobs at risk. That was 2½ years ago and not much has improved.

Last November a report by the Office of Inspector General I requested confirmed that EPA, through its own actions, had been deliberately and systematically slowing the pace of permit evaluations for new plants in Appalachia. These findings were concerning enough that the inspector general did a follow-up review. And again in February of this year, 2 years later, the Office of Inspector General found EPA did not have a consistent official recordkeeping system that was exacerbating permit delays. Not only has EPA continued to stall the permitting process, they are trying to stop permits that were already granted.

In January 2011—and this is significant—EPA took the drastic unprecedented step of revoking a lawfully issued mining permit the Bush Army Corps of Engineers had granted to Spruce Mine, which is a project in Appalachia. Fortunately, the courts recognized EPA's overreaching in this case.

On March 23, 2012, the U.S. district court ruled that EPA exceeded its authority, and as the judge said,

> EPA's claim that it can veto a permit issued by the Army Corps of Engineers is a stunning power for an agency to arrogate itself.

That is a Federal judge's quote.

After 4 years of this aggressive barrage of rules designed to kill coal, many in the heartland, States that rely heavily on coal, are not amused.

Just last month 24 State attorneys general, including one-quarter of all Democratic State attorneys general, filed a suit to overturn Utility MACT because of the devastating effects it will have on jobs in their States and their economies. These are Democrats from Arkansas, Kentucky, Mississippi, Missouri, West Virginia, and Wyoming. In other words, it appeared that Democratic AGs from several States are trying to save coal while the Democratic Senators from those same States are carrying out President Obama's war on coal.

What is happening in West Virginia? The State government just sponsored a 3-day forum last week on ''EPA's war on coal.'' This is in West Virginia.

Larry Puccio, the Democratic Party chairman in West Virginia, said:

> A lot of folks here have real frustration with this administration's stance on coal and energy.

Recently, on a West Virginia radio show, Cecil Roberts, the President of the United Mine Workers of America, famously said that EPA Administer Lisa Jackson ''shot [the coal industry] in Washington just as the Navy Seals shot bin Laden.'' As Roberts expanded:

> 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''?

It doesn't get any stronger than that. These are all Democrats. Let's not forget West Virginia is the State where President Obama lost several counties in a primary to a convicted felon not long ago.

Kentucky is weighing in. As Politico reported, President Obama lost an ''uncommitted'' vote in 38 counties representing the Kentucky Coal Coalition and won just 44 percent of over 49,000 votes. He only carried 14 of the 38 coal counties, and overall carried the State as a whole with just 58 percent of the vote.

In Arkansas, President Obama won the primary with less than 60 percent of the vote.

In Ohio, it was the same story. When Vice President BIDEN visited the State recently, he was faced with over 100 workers who would lose their jobs because of this administration's aggressive regulatory regime. Their message to the administration is ''Stop the war on coal.''

These States have good reason to be concerned. Let's look at how Utility MACT will impact some of the most coal-dependent States.

In Arkansas, 40 percent of their electricity is produced by coal.

Louisiana has the ninth cheapest electricity in the Nation, $100 million in payroll.

In Michigan, 60 percent of their electricity is produced by coal. They are tenth in coal use.

Missouri, which is a big one, 80 percent of their electricity is produced by coal. They are sixth in coal use.

Montana, 60 percent of its electricity, fifth in coal production.

North Dakota, 85 percent of electricity is produced by coal. They are ninth in coal production.

Ohio is a big one, with 85 percent of electricity, and more than 19,000 jobs are at stake because of this Utility MACT.

Pennsylvania, 52 percent of their electricity is produced by coal, and they are fifth in coal use; Tennessee, 62 percent of the electricity.

Virginia, more than 31,000 jobs, and they are 13th in coal production; West Virginia, second in coal production, with more than 80,000 jobs.

These are real jobs that we lost State by State. That is how this is a big deal. I will go into detail as to why Utility MACT would be devastating. Just put this rule in perspective.

Even Democratic Representative JOHN DINGELL, who has been in the House many years—I served with him in the House many years ago, and he was the author of the Clean Air Act Amendments—said that Utility MACT is ''unparalleled in its size and scope'' and that it ''presents a set of new regulations with possible wide-reaching impacts on the way our country generates and consumes electricity.'' Now, that was Representative DINGELL over in the House of Representatives, a Democrat.

Utility MACT has an unprecedented price tag. EPA puts the cost of their rule at nearly $10 billion a year. That is interesting because no one else's is that low. Other sources project that it will cost considerably more, making it the second most expensive rule in the Agency's history. This is second only to global warming's cap-and-trade, which would be about a $300 billion to $400 billion tax increase, so double that.

Now, this is something I always do because in my State of Oklahoma, when we start talking about billions and trillions of dollars, I like to see how it will affect our families in Oklahoma. So a $300 billion to $400 billion tax increase, which is what it would have been if they had been successful in passing cap-and-trade and what it will be if they do it by regulation, you can double that. This tax increase would cost the average family who pays Federal income tax in my State of Oklahoma over $3,000 a year. And, of course, you don't get anything for it because even Lisa Jackson, Obama's Administrator of the EPA, admitted that if we pass cap-and-trade, it would not reduce our overall emissions because the problem isn't here in the United States; it is in Mexico and it is in China and in other countries around the world. So the Utility MACT we are talking about today would tax each family over and above cap-and-trade.

Further, the rule will shut down 20 percent of America's coal-fired power capacity. This will inevitably result in higher electricity prices for every American. Simply put, it is a supply-and-demand situation. I think we all understand that. There is not a person who is within earshot of me, anyway, who didn't learn back in grade school and elementary school what supply and demand means. It means if you shut down the coal plants, the energy remaining will cost a lot more.

It is not just me saying this. Here is what the Chicago Tribune reported on May 18: that in 2015, ''electric bills are set to be about $130 more than they are today.'' Now I am talking to everyone out there who has electricity. The electric bills are set to be about that much more.

The Chicago Tribune went on to say that prices have already significantly risen in the heartland. I will quote the article again:

> Prices were higher in northern Ohio and the Mid-Atlantic region at $357 per megawatt, and $167 per megawatt respectively.

Now, let's look at the jobs. Utility MACT and other EPA regulations on the electric power sector have resulted

in over 24,000 megawatts of announced powerplant retirements located in 20 States. According to the National Economic Research Associates, Utility MACT would destroy between 180,000 and 215,000 jobs in 2015. And with other new EPA regulations on the electric power sector, the economy stands to lose approximately 1.65 million jobs by 2020.

Manufacturers will be particularly hard hit due to their reliance on low-cost electricity and because of their dependence on natural gas as a raw material as both electricity rates and natural gas prices increase. According to Nucor Steel, a 1-percent increase in electricity rates will cost the firm $120 million. These extra costs would endanger 1 million manufacturing jobs outside of the coal and utility industries.

Utility MACT will also have a negative ripple effect. To bring up one example, in Avon Lake, OH, the closure of the local GenOn powerplant will cost the school system 11 percent of its budget annually. Besides the 80 high-quality jobs lost at the plant and many indirect job losses in the community, the city will have fewer resources for its paramedics, firefighters, schools, and everything else. This story will be replicated in communities across America.

Now, for a couple of myths about this, people try to say it is not surprising that instead of taking credit for the dire results of this coal-killing agenda in an election year, the Obama administration is claiming that lower natural gas prices are the reason utilities are switching from coal to natural gas. That is absolutely wrong. There is one problem with that. While President Obama poses in front of the pipelines in my State of Oklahoma pretending to be a friend of oil and natural gas, he is giving marching orders to his administration to do everything possible to end hydraulic fracturing.

To get back in the weeds a little here, hydraulic fracturing is a process to get oil and gas out of tight formations. In fact, you can't get 1 cubic foot of natural gas out of a tight formation without using hydraulic fracturing. I am pretty familiar with that process because that was started in my State of Oklahoma way back in 1949. There has never been a documented case of groundwater contamination by using hydraulic fracturing. But this is what he is trying to do—to kill the oil and gas by doing away with hydraulic fracturing.

Remember, I mentioned earlier that Armendariz was the only one caught on tape admitting that the EPA's general philosophy was to crucify and make examples of oil and gas companies, specifically targeting hydraulic fracturing. If the crucifixion scandal isn't enough of a revelation in this war on natural gas, remember the Sierra Club, which recently gave the President its most enthusiastic endorsement, just rolled out its newest campaign called ''Beyond Gas,'' a spin-off of its decade-old campaign ''Beyond Coal.'' That was 10 years ago that the Sierra Club talked about its campaign to phase out coal-fired powerplants.

Sierra Club executive director Michael Brune explained:

> As we push to retire coal plants, we're going to work to make sure we're 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 coal and all other fossil fuels. So those people who think somehow they can say, well, we are going to promote natural gas—which they are not doing because they are trying to stop hydraulic fracturing—they don't realize that is a fossil fuel. It may have taken NANCY PELOSI 6 months to realize natural gas is a fossil fuel, but everybody knows that today.

So natural gas supplies may be plentiful now, but the Obama administration's ''crucify them'' agenda on oil and gas development is designed to change that. Its whole purpose is to decrease access to these resources through increased regulations from the Federal Government.

Another myth is the public health myth. I want to address that because that is being perpetrated by Utility MACT proponents, and it has to do with their public health argument. The truth is that the health benefits EPA claims are exaggerated and misleading. That is because EPA's analysis showed that over 99 percent of the benefits of the rule we are talking about—a Utility MACT rule—come from reducing fine particulate matter, not air toxics. Of course, fine particulate matter is already regulated under the National Ambient Air Quality Standards. In fact, 90 percent of Utility MACT's purported particulate matter benefits occur in air already deemed safe by the NAAQS program.

Not only is the EPA double miscounting benefits, it is also dismally failing the cost-benefit test. The Agency itself admits that Utility MACT will cost an unprecedented $10 billion to implement. We think it is going to be more than twice that, but they say $10 billion. They also admit that the $10 billion it costs will yield a mere $6 million in direct benefits. That means, by the EPA's own statement, they admit the best-case scenario yields a ludicrous cost-benefit ratio of 1,600 to 1.

In reality, Utility MACT will harm the public by increasing unemployment—a well-established risk factor for elevated illness and mortality rates. In addition to influences on mental disorders, suicide, and alcoholism, unemployment is also a risk factor in cardiovascular disease and overall decreases in life expectancy. Further, higher electric bills act like a regressive tax, hurting the poor and the elderly most by diverting funds they would otherwise have for food, rent, and medical care to pay for more expensive electricity.

To be sure, those who won't feel any of this economic pain are President Obama's Hollywood elites.

I know that my environmental friends are already accusing me of allowing mercury to go into the air. So today I would like to remind them that it was the Republicans who first put forth a real plan to reduce mercury emissions from powerplants.

In 2002 and 2003, Republicans were in the majority. At that time, I was the chairman of the committee that had regulation over the air, and we were working to pass the Clear Skies bill, which was the most aggressive initiative in history to reduce emissions of sulfur dioxide, nitrogen oxide, and mercury—SO_X, NO_X, and mercury. In fact, this bill would have reduced mercury emissions by 70 percent by 2018. So in just 6 years from now, we would already have had a 70-percent reduction in what I call real pollutants—SO_X, NO_X, and mercury.

Now, what happened? Why did it fail? It failed because they wanted to include greenhouse gases. They wanted to include CO_2. And at the expense of losing those reductions that were mandated in SO_X, NO_X, and mercury, they said: Well, if we can't have CO_2, we don't want it at all.

So why did Clear Skies fail in 2005? Then-Senator Obama served with me in the Senate Committee on Environment and Public Works, and it was his vote that killed the bill. As Senator Obama himself admitted:

> I voted against the Clear Skies bill. In fact, I was the deciding vote despite the fact that I'm a coal state and that half of my state thought I'd thoroughly betrayed them because I thought clean air was critical and global warming was critical.

That was then-Senator Barack Obama.

Clear Skies apparently didn't cause enough pain. It reduced real pollutants. It didn't address President Obama's pet cause of climate change. It did not achieve the goal they really wanted to impose; that is, ending coal.

So now, instead of having a reasonable and effective mercury reduction plan already in place and working for the American people, President Obama wants to implement EPA's Utility MACT in order to kill coal.

The bottom line is that we still need coal, and all those who dream of doing away with it will not be able to escape the reality that coal will continue to provide much of our electricity for the foreseeable future. So we need to be implementing policies that improve air quality without destroying coal and millions of good American jobs and imposing skyrocketing electricity costs on every American. That is why my resolution to stop Utility MACT is so crucial.

Contrary to what critics are saying, this resolution does not prevent the EPA from regulating mercury under the Clean Air Act. It simply requires that the EPA go back to the drawing board to craft a rule with which utilities can actually comply—a rule that

does not threaten to end coal in America and American generation but helps utilities to reduce emissions without having to shut their doors.

The House, led by Congressman FRED UPTON, recently passed bipartisan legislation to rein in the Utility MACT, with 19 Democrats supporting the measure. So now it is time for the Senate to act.

I would like to remind my colleagues that this resolution will probably be the vote for coal for the year, so this is our one chance. Many of my Democratic colleagues have gone on record saying that they want to rein in the Obama EPA. The senior Senator from Missouri is one of them. She said, back home, that she is determined to hold the line on the EPA. Does that mean she and other Senate Democrats who have made similar statements will vote to stop the centerpiece of Obama's war on coal? Apparently not.

Today I talked a lot about Utility MACT. Let's be sure we understand what it means. One more time: Utility MACT is a rule by the EPA to end coal in America and cause electricity rates to skyrocket. That is a statement that even the President said, that the electric rates would skyrocket. My resolution, S.J. Res. 37, will allow Members of the Senate to stop the Obama EPA. It is as simple as that.

I can remember when we passed the CRA, the Congressional Review Act. It is interesting because the Congressional Review Act was one which recognized that sometimes things are out of control, the EPA and other parts of the administration. So if it is something where you get a simple majority of Members saying: This is outrageous, and we need to stop it, we can do it by passing a CRA—a Congressional Review Act. That is what S.J. Res. 37 is, and that is our only chance to stop this.

So a vote on my resolution would clearly demonstrate to the American people which Senators will hold on and stand with their constituents for jobs and affordable energy and which Senators want to kill coal in favor of President Obama's radical global warming agenda that will be devastating to people. To borrow a phrase from Administrator Spalding: To choose the latter will be painful—painful every step of the way for their constituents. And I hope they make the right choice.

So I would just repeat that this is the last chance you have to stop the administration from killing coal. This is the vote of the year in terms of the effort to stop the killing of coal.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MERKLEY). The clerk will call the roll.

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

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

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. INHOFE. Mr. President, if there is no business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:07 p.m., adjourned until Tuesday, June 5, 2012, at 10 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate June 4, 2012:

THE JUDICIARY

TIMOTHY S. HILLMAN, OF MASSACHUSETTS, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MASSACHUSETTS.