

work and appellate matters. In 1997, she joined the Office of the Federal Public Defender as an assistant public defender, working for indigent criminals in Federal criminal matters. She was appointed as a U.S. magistrate judge for the District of New Jersey in 2006.

The American Bar Association has rated Judge Salas unanimously "well qualified."

I support these two nominees and congratulate them for their achievement and public service.

Mr. WHITEHOUSE. I now yield back all time.

The PRESIDING OFFICER. Without objection, all time is yielded back.

The question is, Will the Senate advise and consent to the nomination of Claire C. Cecchi, of New Jersey, to be United States District Judge for the District of New Jersey?

Mr. WHITEHOUSE. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Pennsylvania (Mr. CASEY) and the Senator from Hawaii (Mr. INOUE) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 88 Ex.]

YEAS—98

Akaka	Gillibrand	Moran
Alexander	Graham	Murkowski
Ayotte	Grassley	Murray
Barrasso	Hagan	Nelson (NE)
Baucus	Harkin	Nelson (FL)
Begich	Hatch	Paul
Bennet	Heller	Portman
Bingaman	Hoeven	Pryor
Blumenthal	Hutchison	Reed
Blunt	Inhofe	Reid
Boozman	Isakson	Risch
Boxer	Johanns	Roberts
Brown (MA)	Johnson (SD)	Rockefeller
Brown (OH)	Johnson (WI)	Rubio
Burr	Kerry	Sanders
Cantwell	Kirk	Schumer
Cardin	Klobuchar	Sessions
Carper	Kohl	Shaheen
Chambliss	Kyl	Shelby
Coats	Landrieu	Snowe
Coburn	Lautenberg	Stabenow
Cochran	Leahy	Tester
Collins	Lee	Thune
Conrad	Levin	Toomey
Coons	Lieberman	Udall (CO)
Corker	Lugar	Udall (NM)
Cornyn	Manchin	Vitter
Crapo	McCain	Warner
DeMint	McCaskill	Webb
Durbin	McConnell	Whitehouse
Enzi	Menendez	Wicker
Feinstein	Merkley	Wyden
Franken	Mikulski	

NOT VOTING—2

Casey Inouye

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the clerk will report the next nomination.

The legislative clerk read the nomination of Esther Salas, of New Jersey, to be United States District Judge for the District of New Jersey.

The PRESIDING OFFICER. If there is no further debate, the question is, Will the Senate advise and consent to the nomination of Esther Salas, of New Jersey, to be United States District Judge for the District of New Jersey?

The nomination was confirmed.

The PRESIDING OFFICER. The President will be immediately notified of the Senate's action.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

## ORDER OF PROCEDURE

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, notwithstanding the previous order, I ask unanimous consent that there be 5 minutes of debate equally divided and controlled between the proponents and opponents of the Coburn amendment No. 436, as modified, prior to a cloture vote on the Coburn amendment. That would be for debate only.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, that debate would come after the recess.

## RECESS

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

Thereupon, the Senate, at 12:36 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. WEBB).

## ECONOMIC DEVELOPMENT REVITALIZATION ACT OF 2011

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 782, which the clerk will report by title.

The legislative clerk read as follows:

A bill (S. 782) to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes.

Pending:

DeMint amendment No. 394, to repeal the Dodd-Frank Wall Street Reform and Consumer Protection Act.

Paul amendment No. 414, to implement the President's request to increase the statutory limit on the public debt.

Cardin amendment No. 407, to require the FHA to equitably treat homebuyers who have repaid in full their FHA-insured mortgages.

Merkley/Snowe amendment No. 428, to establish clear regulatory standards for mortgage servicers.

Kohl amendment No. 389, to amend the Sherman Act to make oil-producing and exporting cartels illegal.

Hutchison amendment No. 423, to delay the implementation of the health reform law in the United States until there is final resolution in pending lawsuits.

Portman amendment No. 417, to provide for the inclusion of independent regulatory

agencies in the application of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1501 et seq.).

Portman amendment No. 418, to amend the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1501 et seq.) to strengthen the economic impact analyses for major rules, require agencies to analyze the effect of major rules on jobs, and require adoption of the least burdensome regulatory means.

McCain amendment No. 411, to prohibit the use of Federal funds to construct ethanol blender pumps or ethanol storage facilities.

McCain amendment No. 412, to repeal the wage rate requirements commonly known as the Davis-Beacon Act.

Merkley amendment No. 440, to require the Secretary of Energy to establish an Energy Efficiency Loan Program under which the Secretary shall make funds available to States to support financial assistance provided by qualified energy efficiency or renewable efficiency improvements.

Coburn modified amendment No. 436, to repeal the volumetric ethanol excise tax credit.

Brown (MA)/Snowe amendment No. 405, to repeal the imposition of withholding on certain payments made to vendors by government entities.

Inhofe amendment No. 430, to reduce amounts authorized to be appropriated.

Inhofe amendment No. 438, to provide for the establishment of a committee to assess the effects of certain Federal regulatory mandates.

Merkley amendment No. 427, to make a technical correction to the HUBZone designation process.

McCain amendment No. 441 (to Coburn modified amendment No. 436), to prohibit the use of Federal funds to construct ethanol blender pumps or ethanol storage facilities.

The PRESIDING OFFICER. Under the previous order, there will be 5 minutes for debate only equally divided on amendment No. 436, as modified, offered by the Senator from Oklahoma, Mr. COBURN.

Who yields time? No one has yielded time. Time will be charged equally to both sides.

The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I am speaking on this amendment. I oppose the amendment. I urge my colleagues to do the same. There is going to be a change with biofuels in this country. We are going to see a phasing out of the support for biofuels in terms of Federal policy. But the time to do it is not in the middle of the year after 7 years of Federal support with 5 days' notice.

Senator THUNE and I have an alternative bill that actually takes the rest of the year, the last 6 months of this year, the funding, and puts \$1 billion into deficit reduction, and then allows the industry to keep its footing so it can actually compete with oil.

I would remind my colleagues that this is now 10 percent of our fuel supply. There have been studies done that show the price of gasoline would escalate up to \$1 more a gallon if the rug were suddenly pulled out from under this industry. It is the only competition with oil. So while this industry, unlike the oil industry, has acknowledged that there is change ahead and that they are willing to be part of this change and actually put money on the

table, the time to do it is not now on an unrelated bill with no discussion of a comprehensive energy plan for this country.

I know Senator THUNE would like to talk about his opposition to this amendment.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Mr. President, I urge my colleagues to vote no on this motion. As the Senator from Minnesota has pointed out, there is a better way to do this. I think we can all work together in a constructive way and accomplish what the proponents of this amendment want to do, but do it in a way that does not disrupt this industry.

In December, 81 Senators—81 Senators—voted for tax policy. Here we are 6 months later and we are going to say we are going to pull the rug out. We are going to tell you guys just to go pound sand—after giving them a commitment back in December that we would have this tax policy in place until the end of the year.

That is not the way to do business. This can be done in the right way. I urge my colleagues to defeat this motion, and then we can work together to try to get to where we have a solution in place that is good for jobs, good for the energy industry in this country, and good for the taxpayers of America.

Mr. HATCH. Mr. President, one negative aspect of Senator COBURN's amendment No. 436, as modified, to the Economic Development Revitalization Act of 2011 is that it is a tax increase that is not offset by a tax cut of an equal or greater amount.

It takes away a tax incentive and therefore increases taxes but fails to cut taxes in another area, such as by lowering tax rates. I do not favor taking away tax incentives without cutting taxes in other areas to reach a revenue-neutral result.

Revenue-neutrality should be judged using a current-policy baseline and not the unrealistic current-law baseline that builds in trillions of dollars of tax increases.

However, in this case, the policy considerations regarding ending the tax incentive for corn-based ethanol outweigh this general principle. I will note that this is not the case for the larger-dollar, and more significant, tax incentives such as the home mortgage interest deduction.

With respect to these tax incentives, any changes that increase revenue must be offset with a tax cut in another area, such as by lowering tax rates. My vote in favor of the Coburn amendment should not be viewed as a precedent for increasing taxes.

Taxes are already headed higher than they historically have been according to the nonpartisan Congressional Budget Office. Americans are not undertaxed, Washington overspends, and we need to get that spending under control.

In terms of energy policy for our Nation, I think the case is more clear in

favor of this amendment. I do not believe it makes sense to provide a tax incentive for a product that is also mandated by the Federal Government, which is what we have with ethanol. Moreover, energy tax incentives should be a temporary boost, not a long-term strategy to support an energy source that cannot compete on its own. I believe the time has come for corn ethanol to stand on its own as a transportation fuel.

Mr. BLUMENTHAL. Mr. President, I will vote today against cloture on amendment No. 436, dealing with subsidies for the ethanol industry, because its author used inappropriate procedural tactics to attach it to an unrelated bill devoted to economic development.

I support eliminating unnecessary tax subsidies to the ethanol industry, but today's vote is a political maneuver orchestrated by members of the minority party. I am pleased that the Senate will have an opportunity to vote on the merits of this issue, without extraneous debates over Senate procedure and process, in the coming days.

I will then support this measure to eliminate subsidies to the ethanol industry, which is necessary to save taxpayer dollars, reduce the deficit, and rein in our national debt.

Mr. WHITEHOUSE. Mr. President, I rise to discuss my vote on the motion to invoke cloture on Senator COBURN's amendment to the Economic Development Revitalization Act of 2011 to repeal the volumetric ethanol excise tax credit and the tariff on ethanol imports. I will vote against cloture on this amendment because of assurances that there would be another vote on ethanol subsidies in the near future without the extraordinary procedural problems occasioned by this amendment as it was brought to the floor.

My position on corn ethanol subsidies is clear. I am a cosponsor of Senator COBURN's Volumetric Ethanol Excise Tax Credit Repeal Act. I also signed a letter last fall along with several of my colleagues opposing the current extension of the volumetric ethanol excise tax credit and the tariff on ethanol imports.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, we have introduced into the RECORD the industry that gets this tax credit—they represent 97 percent of all of the ethanol that is blended—does not want the \$3 billion. They say it is not a disruption to them, and, in fact, it is \$3 billion that we cannot afford to pay.

It is something that already has accomplished its purpose through a government mandate. I would yield the remainder of my time to the Senator from California, Mrs. FEINSTEIN.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I thank the Senator from Oklahoma. I

think everybody in this body now knows that I am strongly for this measure. Unfortunately, I think it has created a lot of feelings that really do not work to the benefit of this body.

It is my understanding there is an offer from the leader that we will have a vote by Friday next, which means a week from this Friday. I tend to just say what I think. On our side, I think there are real concerns about the process used to bring this amendment to the floor. I think that has created some, unfortunately, very bad feelings which even are enough to affect people's votes.

My view has been a little different. I have watched this ethanol amendment go from \$1.5 billion in the early part of the 2000s to where it costs \$5.7 billion now. It is a triple crown. It is a subsidy, it is a mandate, it is a protective tariff. It should go. I have no question about that.

I also want to see this body have an ability to work together. It also gives us a little bit of time to see if we can negotiate some agreement between the Senator from Minnesota and the Senator from South Dakota. That would be the best of all worlds. Whether we can do this, I do not know, but I am certainly willing to try.

What I hate to see is this vote get so caught up—which it is now caught up in process—that we have no chance of sorting it out. I have asked the Senator from Oklahoma would he consider withdrawing this amendment so we can try and see if we could—

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. FEINSTEIN. I would ask unanimous consent for a couple of seconds more.

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

Mrs. FEINSTEIN.—so that we could try and see if we can work something out with Senators KLOBUCHAR and THUNE. I would implore him once again, I think for the best interests of our body as a whole, both sides, we ought to take the time to try to work it out. I think we lose votes right now on the basis of the process alone that we would not lose on just a straight vote.

I believe if it were not for the process, we would have 60 votes. That is my belief. So I want the Senator from Oklahoma to know that right up front. I would implore him to let us withdraw the amendment, try to negotiate a solution, and then take this up, as the leader has pledged, by Friday next.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. I ask unanimous consent for 2 minutes.

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

Mr. COBURN. Mr. President, the reason this amendment ended up the way it is, is because we don't have an open amendment process in the Senate anymore. Rule XXII gives every Senator the right to offer an amendment. We

have no Senate unless we have the right to offer an amendment.

There is no usurpation of the power of the majority leader. He gets to set what bills are on the floor. Every Senator has the right to file cloture on their amendments—every Senator. They also have every right to offer amendments.

We would not be in this position if we did not have a closed amendment process instead of an open amendment process. I would like to solve this problem. I recognize that this is going to be blue-slipped anyway. I thank the majority leader for his offer. I do not think it accomplishes what we want. I think we end up losing what we can get and what we should get.

I think the American people deserve to have us take this \$3 billion out of the hands of the large oil companies now, not to the benefit of any American except to their detriment and their children.

#### CLOTURE MOTION

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the pending amendment No. 436, as modified, to S. 782.

Tom Coburn, Jim DeMint, John McCain, Richard Burr, David Vitter, Kelly Ayotte, Scott P. Brown (MA), James E. Risch, James M. Inhofe, Bob Corker, Michael B. Enzi, Johnny Isakson, John Barrasso, Lamar Alexander, John Cornyn, Jeff Sessions.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that the debate on amendment No. 436, as modified, offered by the Senator from Oklahoma, Mr. COBURN, to S. 782, the Economic Development Revitalization Act of 2011, should be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Pennsylvania (Mr. CASEY) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 40, nays 59, as follows:

[Rollcall Vote No. 89 Leg.]

#### YEAS—40

Alexander	Crapo	Lieberman
Ayotte	DeMint	Manchin
Barrasso	Enzi	McCain
Boozman	Graham	McConnell
Brown (MA)	Hatch	Murkowski
Burr	Heller	Paul
Cantwell	Hutchison	Pryor
Chambliss	Inhofe	Risch
Coburn	Isakson	Rubio
Collins	Johnson (WI)	Sessions
Corker	Kyl	
Cornyn	Lee	

Shelby  
Snowe

Tester  
Toomey

Vitter  
Webb

#### NAYS—59

Akaka  
Baucus  
Begich  
Bennet  
Bingaman  
Blumenthal  
Blunt  
Boxer  
Brown (OH)  
Cardin  
Carper  
Coats  
Cochran  
Conrad  
Coons  
Durbin  
Feinstein  
Franken  
Gillibrand  
Grassley

Hagan  
Harkin  
Hoeven  
Inouye  
Johanns  
Johnson (SD)  
Kerry  
Kirk  
Klobuchar  
Kohl  
Landrieu  
Lautenberg  
Leahy  
Levin  
Lugar  
McCaskill  
Menendez  
Merkley  
Mikulski  
Moran

Murray  
Nelson (NE)  
Nelson (FL)  
Portman  
Reed  
Reid  
Roberts  
Rockefeller  
Sanders  
Schumer  
Shaheen  
Stabenow  
Thune  
Udall (CO)  
Udall (NM)  
Warner  
Whitehouse  
Wicker  
Wyden

#### NOT VOTING—1

Casey

The PRESIDING OFFICER. On this vote, the yeas are 40, the nays are 59. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The Senator from Florida.

#### THE AMERICAN CENTURY

Mr. RUBIO. Mr. President, I have the honor of representing the people of the great State of Florida here in the Senate, and today I speak for the first time on this floor on their behalf.

The Senate is a long ways away from where I come from, both literally and figuratively. I come from a hard-working and humble family, one that was neither wealthy nor connected. Yet I have always considered myself to be a child of privilege because growing up I was blessed with two very important things: I was raised by a strong and stable family, and I was blessed to be born here in the United States of America.

America began from a very powerful truth—that our rights as individuals do not come from our government, they come from our God. Government's job is to protect those rights. And here, this Republic, has done that better than any government in the history of the world.

Now, America is not perfect. It took a bloody civil war to free over 4 million African Americans who lived in slavery. It took another 100 years before they achieved full equality under the law. But since its earliest days, America has inspired people from all over the world, inspired them with the hope that one day their own countries would be one like this one.

Many others decided they could not wait, and so they came here from everywhere to pursue their dreams and to work to leave their children better off than themselves. The result was the American miracle—a miracle where a 16-year-old boy from Sweden, with no English in his vocabulary and \$5 in his pocket, saved enough money to open a shoestore. Today, that store, Nordstrom's, is a multibillion-dollar global retail giant; a miracle that led to a

young couple with no money and no business experience opening a toy company out of the garage of their home. Today, that company, Mattel, is one of the world's largest toy manufacturers; a miracle where the French-born son of Iranian parents created a Web site called AuctionWeb in the living room of his home. Today, that company, known as eBay, stands as a testament to the familiar phrase “only in America.”

These are just three examples of Americans whose extraordinary success began with nothing more than an idea. But it is important to remember that the American dream was never just about how much money you made; it is also about something that typifies my home State of Florida: the desire of every parent to leave their children with a better life. It is a dream lived by countless people whose stories will never be told, people—Americans—who never made \$1 million. They never owned a yacht or a plane or a second home. Yet they too live the American dream because through their hard work and sacrifice, they were able to open doors for their children that had been closed for them.

It is the story of the people who clean our offices here in this building, who work hard so that one day their children can go to college. It is the story of the men and women who serve our meals in this building, who work hard so that one day their children can accomplish their own dreams.

It is the story of a bartender and a maid in Florida. Today, their son serves here in the Senate and stands as a proud witness of the greatness of this land.

Becoming a world power was never America's plan, but that is exactly what the American economic miracle made her. Most great powers have used their strength to conquer, but America is different. For us, our power always has come with a sense that those to whom much is given, much is expected; a sense that with the blessings God bestowed upon this land came the responsibility to make the world a better place. And in the 20th century, that is precisely and exactly what America did. America led in two world wars so that others could be free. America led in the Cold War to stop the spread of and ultimately defeat communism. While our military and foreign policy contributions helped save the world, it was our economic and cultural innovations that helped transform it.

The fruits of the American miracle can be found in the daily lives of people everywhere. Anywhere in the world, someone uses a mobile phone, e-mail, the Internet, or GPS; they are enjoying the benefits of the American miracle. Anywhere in the world where a bone marrow, lung, or heart transplant saves a life, they are touched by the value of the American miracle. On one night in July of 1969, the world witnessed the American miracle firsthand, for on that night an American walked