

Well, the key word in Federalist 63 is the word "dissimilar." We are not the House of Representatives. We are the body where deliberative, extensive, unlimited debate is protected. That is the essence of the Senate. I sometimes don't know that we live up to the moniker "the greatest deliberative body in the world." Sometimes I don't think we are particularly deliberative. But we are rooted in the traditions of unlimited debate. That has been the essence of this body for well over 200 years.

I hope we never minimize the importance of our distinctions, our dissimilarities with the House, the intentions of the Founding Fathers when it comes to the protections, traditions, and the usefulness of the rules of the Senate, just as they applied over 200 years ago. That, in essence, is what is at stake.

As I said at the beginning, the majority leader is certainly within his right to propose rules changes. That has happened by leaders and Senators on both sides of the aisle for hundreds of years. We will always examine ways with which to make the Senate work more functionally and perhaps more efficiently. I don't want to give up the tradition of the very essence and meaning of the body for the sake of efficiency, for the sake of moving things along because, indeed, that was not the intent or the expectation of our Founding Fathers.

Let me finish by restating the score: 124 to 2. It ain't broke.

#### THE ENERGY POLICY ACT OF 2003—Continued

Mr. DASCHLE. Mr. President, I know the majority leader also came before the Senate this morning to do what I expected he would do yesterday. He has laid down the first amendment in the energy debate. I want to again commend him for his leadership and involvement with regard to the ethanol amendment. The ethanol amendment enjoys broad bipartisan support. That was evidenced, of course, yesterday as people on both sides of the aisle came to the floor and spoke eloquently and with conviction about the importance of this legislation. It is important, in part, because of our dependency upon foreign sources of oil.

We use too much imported oil. The more we can become self-sufficient and independent, the more we can truly not only help our own economy, but create environments within which questions pertaining to our dependence will not become key issues as we resolve whatever diplomatic or international challenges our country may face.

Energy independence is a laudable goal and it is within our grasp. But the only way it can be achieved is with the creation of renewable fuels, the creation of fuels that can be discovered, utilized, and created in this country. There is no better example of that than ethanol. Ethanol reliance means energy independence.

Secondly, the environmental issues are clearly at stake as we consider the consequences of ethanol. Clean air benefits cannot be understated. In 2002 alone—just last year—ethanol use in the United States reduced greenhouse gas emissions by 4.3 million tons, which is the equivalent of removing more than 636,000 vehicles from the road. That is a remarkable achievement. That was in 1 year. If you can imagine taking 636,000 vehicles off the road in 1 year, and the effect it would have on greenhouse gases if we could do that, that is in essence what we were able to create with this increased reliance on ethanol—not to mention our opportunity to phase out methyl tertiary butyl ether, MTBE, contamination.

MTBE contamination was also used as an oxygenate to improve environmental circumstances when the oxygen standard was passed in the early 1990s. We only found later how contaminating and toxic it can be. So phasing out MTBE is also a part of our legislative approach, and that, too, will have dramatic positive environmental consequences.

We talk about the economic consequences of ethanol and that, too, can hardly be overstated. One in three rows of corn in South Dakota today is being used to produce ethanol. The ethanol industry is creating \$1 billion in additional economic impact in my State alone. It means higher corn prices. It means prices will increase, according to USDA estimates, 50 cents a bushel, about \$1.3 billion in additional farm income annually once this legislation is enacted.

The University of South Dakota has stated this proposal has the potential to create 10,000 new jobs in our State, bringing in more than \$600 million annually to the State economy and over 214,000 jobs nationally once the RFS is implemented.

From an economic point of view, in addition to the environmental and energy independence advantages, we also have, of course, an agricultural advantage: more income for farmers with less reliance on farm programs.

There is a lot to be said for this legislation. I am very pleased, after all these years, as lonely as it was when we started, to see this kind of broad-based support. I would estimate now more than two-thirds, maybe three-fourths, of the Senate would support this legislation. We are well on our way to establishing what I view to be an appreciation of the importance, the contribution, the impact that ethanol can have in energy, in the economy, in agriculture, and in foreign policy.

That is why I feel as strongly as I do about the amendment, and that is why I am pleased to be a cosponsor with Senator FRIST and many of our colleagues, including the distinguished Senator from South Dakota, Mr. JOHNSON, on this amendment.

I hope the Senate will act quickly. Let us adopt this amendment. Let us

ensure, whether it is part of the energy bill or a freestanding bill that was reported out of the Environment and Public Works Committee, that we will have the opportunity to enact this legislation into law sometime this year. We should not wait any longer. It should happen this year. It can happen this year. With the broad bipartisan support, it will happen this year.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. JOHNSON. Mr. President, I ask unanimous consent to be added as a cosponsor to the renewable fuels standard amendment just offered by Senator DASCHLE and Senator FRIST.

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

Mr. JOHNSON. Mr. President, I rise today in very strong support of the bipartisan renewable fuels standard amendment and to encourage my colleagues to support this critically important provision when it comes to a vote.

Last year, Senator HAGEL, my Republican colleague from Nebraska, and I worked on a renewable fuels standard for ethanol and biodiesel during consideration of the Senate energy bill. We were successful in securing inclusion of a renewable fuels standard in the Senate energy bill. We were successful on the Senate floor, but as we got to conference with the House of Representatives, the entire energy bill wound up not being passed and the whole collection of provisions collapsed in the end. But we were successful in the Senate Energy Committee last year, we were successful on the Senate floor, and I am very optimistic this year that we not only will pass a renewable fuels standard in the Senate once again but that with newfound interest in the RFS in the House of Representatives, I am confident this will ultimately make it to the President's desk and become law this year.

Regrettably, time ran out on us last year during the 107th Congress, and yet two-thirds of the Senate voted in favor of a renewable fuels standard and against amendments that would have weakened or eliminated it.

Today, ethanol and biodiesel comprise less than 1 percent of all transportation fuel consumed in the United States. Out of 134 billion gallons of fuel consumed in the U.S., renewable ethanol and biodiesel made from soybeans comprise less than 3 billion gallons—3 billion out of 134 billion gallons consumed.

Our amendment, identical to language passed in the Environment and Public Works Committee, would require that 5 billion gallons of transportation fuel be comprised of renewable fuel by the year 2012.

The consensus was agreed to last year after productive negotiations between the renewable fuels industry, agriculture groups, the oil industry, and environmentalists.

Rural States such as South Dakota can make enormous contributions to

energy independence throughout our Nation with a renewable fuels standard. Thanks to the establishment of six new farmer-owned co-ops in South Dakota since 1999, ethanol has enjoyed significant growth in our State. We are currently ranked fifth in U.S. production.

Remarkably, one out of every three rows of corn in South Dakota is market bound for ethanol production already. More than 1 million bushels of corn are sold annually to produce nearly 400 million gallons of ethanol in my home State of South Dakota.

Around 8,000 farm families are involved in value-added ethanol production at one of the eight facilities currently in operation, and two more facilities are under construction. Ethanol helps these South Dakota families increase their income in three ways.

First, ethanol plants help spur competition for corn and boost corn prices locally. Corn prices include between 8 and 15 cents per bushel when an ethanol plant is based in a local market. Second, membership in a value-added ethanol co-op yields profits, or dividends, from ethanol production which supplements farm income. And third, it creates farm jobs in rural communities throughout our State.

However, most farmers involved with ethanol indicate to me that a significant share of their investment thus far in ethanol facilities has been, for all practical matters, a faith-based investment. They simply have faith that ethanol is right for their investment and right for America, but there has been no adoption of ethanol or biodiesel as a part of a national energy strategy.

Adoption of our bipartisan RFS amendment today will give them and other producers more than just faith when considering whether to invest in an ethanol plant. Our amendment will give producers a rock solid commitment that the United States will, in fact, increase the demand and the market for ethanol and biodiesel.

The U.S. energy situation, as we all know, is uncertain, considering how volatility in gas and diesel prices, the growing tension in the world from terrorist attacks, and how the war in Iraq affected us. The more we depend on oil from the Middle East, the more our stability is inevitably tied to governments and factions in that region. The use of domestic clean renewable energy sources can increase our energy security and increase our Nation's security. It must be a critical part of our Nation's energy strategy.

Simply put, adoption of the RFS amendment will help lower our dependence on foreign oil, strengthen energy security, increase farm income, provide for clean air, and create jobs throughout the United States, particularly in the rural communities.

An important, but underemphasized fuel is biodiesel, which is chiefly produced from excess soybean oil. In South Dakota, soybean production has increased by a dramatic 200 percent in

the last 10 years. Recently, biodiesel has emerged as a promising new energy source. RFS would greatly increase the prospects for biodiesel production benefiting soybean farmers from South Dakota and throughout the Nation.

I want to ensure the RECORD reflects the influence and the extraordinary leadership that my colleague, Senator DASCHLE, has lent to the support of ethanol and a renewable fuels standard.

For over 20 years, Senator DASCHLE has been fighting for ethanol. When we began this debate, there were times in South Dakota that the discussion was about gasohol. There are times when Senator DASCHLE has been jokingly referred to in our State as "Senator Gasohol." His leadership was instrumental in creating incentives which led to a surge in the demand for ethanol in the early to mid-1990s.

In the year 2000, it was Senator DASCHLE again who first introduced the concept of a RFS as the next building block for expansion of the renewable fuel industry. Today, I am pleased and I am proud to join Senator DASCHLE and many other Senators on a bipartisan basis to demonstrate strong support for an RFS.

In the 20 years or more Congress and States have provided incentives to produce ethanol, we have learned a lot of lessons. Tax incentives at the State and Federal level provided lifeblood for the ethanol industry and helped make the production of ethanol a competitive alternative to other fuels. The most aggressive growth spurt for ethanol occurred as a result of the Clean Air Act.

Ethanol production doubled in the 1990s, with 10-percent annual growth. In 1990, the year we passed the Clean Air Act, the United States produced about 800 million gallons of ethanol. By 2000, we produced 1.6 billion gallons of ethanol. Coincidentally, the most recent explosion in ethanol development took place as a result of the anticipation that Congress would establish an RFS. The renewable fuels standard was first introduced in 2000 and production since that time has dramatically expanded from 1.6 billion gallons to approximately 3 billion gallons this year. Once again, ethanol production has doubled. At this stage, enactment of an RFS is the single most important market driver for ethanol that we can contemplate.

What lessons have we learned? If 8,000 farm families in South Dakota invested their hard-earned money in the development of eight ethanol plants without an RFS, we could just imagine how many more producers South Dakota and across the entire Nation will be willing to invest in renewable ethanol or biodiesel production if we adopt an RFS.

Ethanol plants are being constructed in record time with larger capacity and more farmer investor financing than ever before. The most impressive expansion in capacity has been right in my home State of South Dakota. Pas-

sage of an RFS will ensure greater capacity expansion, a dramatic stimulus to the economic growth of rural America. It will create jobs and it will increase our energy security.

I strongly encourage my colleagues to adopt the bipartisan RFS amendment being offered by Senator DASCHLE and Senator FRIST today. I urge support for this amendment.

I yield the floor.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### JUDICIAL NOMINATIONS

Mr. DASCHLE. Mr. President, I came to the floor earlier today to respond to the distinguished majority leader. I just had the opportunity to hear the President's remarks with regard to judicial nominations. I felt it was important to come back to the floor for just a couple of minutes to respond and to make sure the American people are clear and the record is clear with regard to judicial nominations and what I would view to be the rest of the story.

The rest of the story can be found on three charts. We have heard a lot this morning about the intransigence of the Senate, about how much the Senate is in crisis because we haven't confirmed nominations; about how the system is broken. In South Dakota, we like to say, if it ain't broke, don't fix it.

I have three charts to prove that it "ain't broke." One-hundred and twenty-four is the first chart. One-hundred and twenty-four judicial nominees have been confirmed in this administration. That is a record. There is no administration we can find that has had a better record than this. One-hundred and twenty-four circuit and district court nominees have been confirmed since this President has taken office. Here is the number that have not: That is right—2; 124 to 2.

We have done a little math. Here is the third chart. That is a 98.4-percent approval rate. I don't know of a business, or a sports figure, or a politician who gets 98.4 percent of what they ask. But that is the record. That is exactly the success level of this administration when it comes to judicial nominees—98.4 percent.

"If it ain't broke, don't fix it."

I find it particularly interesting that over the course of the 8 years of the Clinton administration, we had 50 judicial nominations that didn't get a hearing.

You talk about a filibuster. What about the fact that a person can't even get a hearing in the committee? Ten judicial nominees got a hearing but no vote. Sixty-five nominees never got to