

to serving corporate interests and conservative causes were irrelevant to the Senate's inquiry and that all nominees should be confirmed if they met basic qualifications. In President Bush's first term, the Senate regularly considered nominations, confirming 205 to lifetime appointments. We remain well behind that pace, having been allowed to consider only 83 of President Obama's nominations in nearly 28 months of his term.

Senate Republicans are now adopting a much different standard—and a shifting one at that. It almost seems like whatever might be claimed to justify strenuous opposition and voting no on an Obama nominee is justified by the end—opposing the President. That is wrong. That is wrong because this President has worked hard to consult with Republican home State Senators. Yet they still oppose them, including President Obama's first nomination that of Judge David Hamilton of Indiana. Despite Senator LUGAR's support, Republicans filibustered that nomination and delayed it for months. They have filibustered five of President Obama's judicial nominations to date.

It is wrong because their actions have created a judicial vacancies crisis that persists to this day. If the 22 judicial nominees Republicans point to as being confirmed this year, 15 should have been confirmed last year and were needlessly delayed. One even required cloture to end an unprecedented filibuster against a Federal trial court nominee.

With judicial vacancies at crisis levels, affecting the ability of courts to provide justice to Americans around the country, we should be debating and voting on each of the 15 other judicial nominations reported favorably by the Judiciary Committee and pending on the Senate's Executive Calendar. The progress we have started to make these last 2 weeks is a sign that the Senate can do better to ensure that the Federal judiciary has the judges it needs to provide justice to Americans in courts throughout the country.

I congratulate Judge Urbanski and his family on his confirmation today.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant Daily Digest editor proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

The question is, Will the Senate advise and consent to the nomination of Michael Francis Urbanski, of Virginia, to be United States District Judge for the Western District of Virginia?

Mr. MANCHIN. Mr. President, 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 assistant editor of the Daily Digest called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from North Carolina (Mr. BURR), the Senator from Indiana (Mr. COATS), the Senator from Mississippi (Mr. COCHRAN), the Senator from Texas (Mrs. HUTCHISON), the Senator from Alaska (Ms. MURKOWSKI), and the Senator from Louisiana (Mr. VITTER).

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

The result was announced—yeas 94, nays 0, as follows:

[Rollcall Vote No. 70 Ex.]

YEAS—94

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

NOT VOTING—6

Burr	Cochran	Murkowski
Coats	Hutchison	Vitter

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table. The President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

MORNING BUSINESS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business for debate only until 5 p.m., with Senators permitted to speak for up to 10 minutes each.

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

Mrs. BOXER. Mr. President, I ask unanimous consent that I may speak for up to 20 minutes, followed immediately by Senator ISAKSON for such time as he may consume.

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

ETHICS COMMITTEE REPORT ON FORMER SENATOR JOHN ENSIGN

Mrs. BOXER. Mr. President, yesterday the Senate Ethics Committee voted unanimously to release the special counsel's report regarding the actions of former Senator John Ensign.

The committee also voted unanimously to refer several findings to the Department of Justice and to the Federal Election Commission because we had reason to believe that Senator Ensign violated laws within their jurisdiction. I want to thank from the bottom of my heart the Senators who participated in this investigation, many of whom are on the floor today: my vice chairman, the extraordinary leader, Senator ISAKSON—and I say leader, I mean a leader on the committee. I consider him to be a cochair with me. And Senator ROBERTS, who has been on this committee for a long time, who has a sense of history, and a sense of levity, and pragmatism. I appreciated his cooperation.

I want to note the participation of SHERROD BROWN, who came on this committee and began this journey with us and his very important contribution; Senator RISCH, who brought with him a very strong legal slant on everything we did and was very valuable. I want to thank him.

I want to say a special word of thanks to Senator CARDIN who sat in on this case because Senator PRYOR felt he had too close a relationship with Senator Ensign and had to recuse himself. Senator CARDIN, we thank you so much for coming in and focusing on this case. I have to say, I am so grateful to how thoroughly and hard and collaboratively we all worked during this 22-month investigation. I say—and I mean—it was an honor to work with my colleagues.

The Ethics Committee is unique. Its staff is nonpartisan, and its actions are bipartisan. That is so important always, but particularly during these very polarized times, and also because this was such a long and difficult investigation for many reasons.

I want to be clear about why the committee is releasing its report to the public and why Senator ISAKSON and I are addressing the Senate today. If any of our colleagues wish to add to our comments, I hope they will do so. While Senator Ensign's resignation ended our investigation before the next phase, which was the adjudicatory phase or the trial phase, it did not end our profound responsibilities to the Senate, to our laws, to our rules, to our Constitution, and, of course, to the American people.

Article 1, section 5, clause 2 of the Constitution of the United States says that: "each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member." That is in the Constitution.

Senate rules give the Ethics Committee responsibility to investigate alleged violations of laws and rules and

“improper conduct which may reflect upon the Senate.” That is a quote from our rules.

Finally, Ethics Committee rules make clear that whenever its members have “reason to believe” that a violation of law has occurred, we “shall” report it to the proper authorities.

Let me say that again. Ethics Committee rules make it clear that whenever the members of the committee have reason to believe that a violation of law has occurred, we shall report it to the proper authorities. So we have a solemn responsibility indeed. It is actually a mandate to refer possible criminal or civil violations to the Department of Justice and to the Federal Election Commission. That is what we have done today.

We also have another responsibility. That is to tell the American people when we believe laws and rules have been broken, and that standards of conduct have been breached. That is what we have done today.

Our special counsel, Carol Elder Bruce, has written a report that speaks in great detail about her findings, and that report has been released today. These findings are so disturbing that she believed that had Senator Ensign not resigned, and had we been able to proceed to that adjudicatory phase, the evidence of Senator Ensign’s wrongdoing would have been substantial enough to warrant the consideration of expulsion, the harshest penalty available to the Ethics Committee and the Senate.

That is why when former Senator Ensign resigned, the vice chairman and I put out a statement, and we said that he had made “the appropriate decision.”

I want to give you the findings of the special counsel.

One. There is substantial credible evidence that Senator Ensign conspired to violate Doug Hampton’s postemployment contact ban.

Two. There is substantial credible evidence that Senator Ensign aided and abetted Mr. Hampton’s violations of the postemployment contact ban.

Three. There is substantial credible evidence that Senator Ensign made false and misleading statements to the Federal Election Commission regarding the \$96,000 payment made to the Hamptons.

Four. There is substantial credible evidence that the \$96,000 payment to Mr. Hampton violated Federal campaign finance laws.

Five. There is substantial credible evidence that Senator Ensign violated a law and a Senate rule prohibiting unofficial office accounts.

Six. There is substantial credible evidence that Senator Ensign permitted spoliation of documents and engaged in potential obstruction of justice.

Seven. There is substantial credible evidence that Senator Ensign discriminated on the basis of gender.

Eight. There is substantial credible evidence that Senator Ensign engaged

in improper conduct reflecting on the Senate, including violating his own office policies, written in a manual.

These eight serious findings in the special counsel’s report are the culmination of an extensive 22-month investigation and the basis for the committee’s unanimous decision to refer this matter to the Department of Justice and the Federal Election Commission.

As Chair of the Senate Ethics Committee, I am proud to report to the Senate that our committee and its staff and special counsel have been fair and thorough. We deposed or interviewed 72 witnesses. We issued 32 subpoenas for documents. We reviewed more than one-half million documents, including a large number that were initially withheld from the committee. None of this would have been possible without the very hard work done by the staff of our committee, our personal offices—and I am so grateful to them—the special counsel who was extraordinary and to whom we all owe a debt of gratitude.

I particularly wish to thank the staff director and the chief counsel of the Ethics Committee, John Sassaman, and his team. They were focused and they searched for the truth, and we believe they found the truth.

Again, I also wish to personally thank our special counsel, Carol Elder Bruce, and her team.

Our Founders gave Congress the responsibility to ensure that its Members behave ethically. The Ethics Committee tries to do this by working to prevent violations of rules and laws when possible. We try to work with colleagues before they do something they shouldn’t do. We try to train colleagues so they understand what we mean when we say don’t bring any kind of shame upon the Senate. Then, if something bad happens, we give a fair hearing, we might sanction them, and we do when necessary. This isn’t an easy task, but every member of the Ethics Committee is committed to fulfilling our critical responsibility in a thorough, fair, and bipartisan fashion.

When Senator Ensign resigned, he said: “I have not violated any law, any rule, or standard of conduct.” I wish to go on record as chairman of the Ethics Committee to say how strongly I disagree with that statement.

Let’s be clear. It was Senator Ensign’s actions that led to the ethics complaint filed against him. It was Senator Ensign’s actions that led to a 22-month investigation by the Ethics Committee. It was Senator Ensign’s actions that led to the very serious findings and referrals in the report we are releasing to the public today.

The committee believes every Senator should read this report very carefully. Let me say that again. The committee believes every Senator should read this report very carefully because it is a cautionary tale. It shows that our actions—all of them—have consequences for ourselves, for our fami-

lies, for our staffs, for Congress, and for our Nation. It shows we must ensure every action we take is within the law, the rules, and the appropriate standards of conduct. In my view, if I can say my own personal view, it shows something else; that is, when you are in a position of trust and power, don’t abuse it. Don’t misuse it because people can get hurt, very hurt.

We cannot violate the laws or rules we set for others, including our own staffs. We must always lead by example, not by words alone.

This Ensign case was a sad chapter for the Senate but a far sadder chapter for those whose lives were affected and destroyed by his actions. I wish to thank the Senate for placing its trust in the Ethics Committee.

I yield to the vice chairman of the committee, the one whom I consider my cochairman, Senator ISAKSON.

Mr. ISAKSON. Thank you, Madam Chairman.

Mr. President, on certain occasions in the life of a public official one is called upon to make difficult and unpleasant decisions. Such is the case for the six members of the U.S. Senate Ethics Committee today. But we recognize it is essential that the institution—this Senate—that passes the laws which all our citizens must live under must also enforce those laws and rules of standards and conduct which we impose upon ourselves. It is a solemn responsibility, but it is important to the integrity and the future of this institution.

The Senate Ethics Committee looks upon itself as an advisory board and a source of information and counsel to our Members. We ask Members to come to us when there are questions about the potential ethical violation of a decision or even something that might, in passing, seem to be trivial. Our job is to make sure everybody who has a question gets an answer and no one unwillingly gets caught in an unethical situation. But it is also our responsibility, when complaints are filed, to follow up on those complaints and, if we find merit in the complaint, to enter an initial investigatory period of time which, if that position bears enough likelihood that a violation has occurred, ultimately goes to an adjudicatory phase and then finally a decision on the floor of the Senate. It is rare, and I can tell my colleagues personally it is a situation I hope I am never involved in again. But, as I said, it is an essential process to the integrity of this body.

When the particular complaint in question in the Ensign case came to us, it was, similar to any other case, reviewed initially to determine whether it even merited an investigation. After the initial review determined it did merit an investigation, the Senate staff did an overwhelming and wonderful job of gathering information, evidence, and testimony to help us get to a position to begin to make a decision as to whether we could go further in

the case. But we didn't rely just on ourselves. We sought forensic experts and computers and technology so the over 500,000 documents that were reviewed and cross-referenced had a forensic test to them and we knew what we were dealing with and how it was dealt with. We even hired a special counsel, which is rare for the Senate Ethics Committee to do, but it was essential because of where the evidence and the testimony was leading the committee.

I wish to say, at this point in time, I have known a lot of lawyers in my day, ones I have hired and ones I have been on the other side of the deposition table from. I have never known anybody more professional or whose ability I admired more than Carol Elder Bruce, and I wish to commend her on the floor of the Senate. It was her report which we are also submitting with the referrals today to indicate that we have looked to see that there was reasonable evidence to conclude that a violation may have occurred. The ultimate decision on that will be up to the U.S. Department of Justice and it will be up to the Federal Election Commission. But the report clearly indicates that the Senate Ethics Committee did not act on what it thought or an opinion or a whim. It acted on facts determined through hundreds of interviews, 500,000 documents that were examined, and testimony that came to our committee.

It is the hope of the chairman and myself and each member of the committee that every Member recognizes the Senate Ethics Committee wants to be a source of information, advice, and counsel, to see to it this institution always rises to the occasion as the most ethical body in our government. But we will as a committee, if it becomes necessary and the evidence finds it to be true, pursue our responsibility as a committee and we will do what is required of us in this body.

I wish to thank Chairman BOXER for the method in which she has handled this from the beginning to the end, as well as Laura Schiller, who has been her aide throughout and helpful. I also wish to commend Joan Kirchner, Chris Carr, and Glee Smith on my staff for their tireless efforts. The members of the committee also should be commended for their hard work, and it has been hard work. BEN CARDIN has been a tremendous legal mind for us. SHERRON BROWN has been an insightful person to ferret out information and guide us in the right direction. My dear friend, Senator ROBERTS, is the dean of the members of the Ethics Committee. On the floor are Senator ROBERTS, Senator CARDIN, and Senator BROWN. Senator RISCH from Idaho is not here, but he deserves equal credit. As the chairman said, his legal mind and insightful nature helped us come to the conclusions we came to today.

I wish to repeat my thanks to Carol Elder Bruce for the tremendous work she did, as well as Brian Stolarz, Mike

Missel, and John Songstregth, who all worked with her legal team. The staff of the Ethics Committee, our staff director, John Sassaman, has been invaluable in his tireless hours of work to see to it that every I was dotted, every T was crossed, and the committee did its job. To Rochelle Ford, Lynn Tran, Bill Corcoran, and Dan Schwager, thanks to them for all the effort they made.

I will end where I began. No one in public office volunteers for the type of responsibilities we have had in the case of Senator Ensign. But all of us took that responsibility when it came upon us, recognizing the integrity of the Senate and the integrity of our decision was important for the future of this body. As sad as the deliberations were and the ultimate result was, it was proof that this Senate and its Ethics Committee can stand and do the effort necessary to see to it this institution's integrity proceeds in the future uninhibited and unendangered.

With that, unless there is a Member who wishes to speak, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mrs. McCASKILL). Without objection, it is so ordered.

ESCALATING GASOLINE PRICES

Mr. HOEVEN. Madam President, I rise to speak this afternoon about the escalating cost of gasoline at the pump—something that affects every American consumer. Crude oil prices are now more than \$100 a barrel and the price of gasoline at the pump for our consumers is about \$4 on average across the Nation. It is even more here in the District. Despite some correction recently in the oil commodity markets, the U.S. Energy Information Administration expects that prices this summer will average \$1 more than they did just a year ago.

Gasoline price spikes are a form of stealth inflation eating away at the income of American families, impacting our economic growth, and deepening the hardship to the almost 14 million people we have still looking for work. Some economic analysts indicate that for each \$10 increase in the price of a barrel of oil, it has the impact of reducing our economic growth by about two-tenths of 1 percent. Each two-tenths of 1 percent equates to 120,000 fewer jobs that are created just in the first year of that type of increase. So you can see it has a very significant cumulative impact.

Imported oil also greatly affects detrimentally our balance of trade. Last year alone that contributed to a \$265 billion trade imbalance for our Nation. The high price of oil, whether it is at

the wellhead or the price of gasoline at the pump, impacts every sector of our economy. It affects jobs, it affects economic growth, and it certainly affects the purchasing power of the American family; therefore, their standard of living and our quality of life.

So what do we do? Well, the fact is, oil prices are subject to the same laws of supply and demand as other commodities. When we increase the supply, that helps bring prices down. When we reduce demand, that helps bring prices down. Of course, just the reverse is true as well. When we have less supply or more demand, that tends to push the price higher. So clearly—clearly—we need to do all we can to produce more energy in this country, and certainly we need to produce more domestic fuel, more domestic oil and gas.

I don't know how many people realize it, but over the last few years—over the last approximately 5 years—oil imports into this country have actually been going down, and that is why I have brought this chart along which was prepared by the Congressional Research Service. As we can see from the chart, domestic oil was shrinking from about 1985 to 2005, and by 2005 we increased our imports to a total of 12.4 million barrels a day, approximately 60 percent of the total oil we consumed in 2005.

However, since 2005 things have begun to change. We have made progress. We have made progress both because we are producing more oil and gas in this country and also because we are using less. So we can see from 2005 to 2010 we have actually reduced the amount of oil we import into this country from about 60 percent of what we use to less than 50 percent. Today, about 49 percent of the fuel we consume is actually produced in this country. That is a significant reduction in our imports of about 3 million barrels a day from 2005.

So what changed? Well, what changed is we are producing more oil. We are producing more oil offshore and onshore in the lower 48, and we are also producing more natural gas liquids. As I said just a minute ago, we are also consuming less, and we need to continue to do both. In addition to those things, though, we are also increasingly relying on friendly governments for our imports rather than governments that are hostile to our country.

For example, by last year we were importing twice as much oil from Canada as we were from Saudi Arabia, and that is certainly a good development. We need to continue to not only produce more domestic oil but, to the extent we import oil, we need to bring it in from countries that are friends rather than countries that are foes, or certainly that may not share our beliefs and our interests. We have opportunities to do that.

For example, right now, very close to my State, we are working on a project which is the Keystone XL Pipeline. The Keystone Pipeline is designed to carry