

We have had a lot of debate. Let me just talk for a minute about what is going on in the agricultural community throughout this country if you are a poultry, milk or livestock producer.

You can't bring your cattle to feedlots right now because corn is too expensive—\$7.65 a bushel yesterday. You can't afford to fatten your cattle, so they are not bringing them in from the range. We are slaughtering dairy cows all across this country because 70 percent of the cost of dairy cattle is the corn you feed them. We are going to get all sorts of untoward interruptions and price increases in our food if we continue this policy. Seventy percent of the cost for chickens is feed. We are having chicken processors close and go into bankruptcy. We are having chicken raisers, the actual chicken farms—a lot in Oklahoma, a lot in Arkansas, a lot throughout the South, even over in Delaware and in Virginia—can't afford to feed the chickens. So what is going to happen because we have this false subsidy? The fact is, right now, 15 percent of the food increases in this country that you have seen in the last year are directly associated with this policy—directly associated with this policy. That doesn't have any effect on the fact that what could we do by sending \$7 corn out of this country to our balance of payments, which would help our trade imbalance? Instead, we are burning it, and it is a highly inefficient fuel. It is a highly inefficient fuel. Everybody knows that when they fill up with 15 percent or 10 percent ethanol, they get much poorer gas mileage. Everybody knows that. In Oklahoma, we have all these stations where it says "ethanol free." Why do people pay 10 or 15 cents more a gallon? Because they win on mileage. They actually get better performance when they don't have ethanol in their fuel. We all know that. It is just in some States you don't have that option. We are fortunate. We can still buy real gas.

I understand we have about 3 minutes remaining. I will close with the following statement. This is going to be a historic vote, not about ethanol, not about subsidies. It is going to be a historic vote that sends a signal to the American people. Either the people in Washington get it and are going to stop wasting money on programs they don't need to waste money on and they are going to start acting in the best long-term interests of the country, they are either going to do that or they are not. So when we see the results of this vote, you are going to have a hard time explaining: I voted against that because I didn't like the way the amendment came up. The fact is, here is \$3 billion we don't have to spend over the next 6 months. If we don't spend it, that is \$3 billion we are not going to have to borrow from our children and that they are not going to be paying interest on for the next 30 years.

This comes down to the point in time, does this Senate recognize the

amount of trouble we are in, and are Senators willing to give up parochial interests, procedural interests, are they willing to do what is necessary to put this country back on course? My hope and prayer is they are.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

### ENERGY

Mr. HOEVEN. Madam President, I rise this morning to talk about America's energy future. The reality is we need a diversified energy future. What I mean by that is we need to develop all of our energy resources. In my home State of North Dakota, we are doing just that. We have coal, and we are developing clean coal technologies. We have oil and gas. We have hydro. We have biofuels—ethanol and biodiesel. We have solar. We have wind. We have biomass. We are working aggressively to develop all of them, both traditional sources of energy and our renewable sources of energy.

Ten years ago, in 2000 when I started as Governor of North Dakota, we set a course to develop a comprehensive energy plan to develop all of our energy resources, both traditional and renewable, and to do it in tandem, by encouraging private investment that would spur the development of new technologies—new technologies to develop traditional sources of energy and renewable sources of energy, and create new and exciting synergistic partnerships that would both diversify our energy mix, help us produce more energy most cost effectively, create good-quality jobs and improve environmental stewardship.

That is exactly what is happening. That is exactly what is happening in our State. That is exactly what we need to do as a nation. Let me give you some examples from our State. Oil and gas. Oil and gas development has taken off in North Dakota. We are now the fourth largest oil-producing State in the Union. We recently passed States such as Oklahoma and Louisiana, producing more oil, and we are producing it from new formations such as the Bakken Shale and the Three Forks, and we are doing it with new technologies: directional and horizontal drilling. We figured out how to use those technologies such as directional drilling and hydraulic fracturing in new ways that produce more energy but do it with good environmental stewardship. For example, in the case of hydraulic fracturing, we recycle the water. We go down 2 miles underground, we drill directionally underground for miles. So it is a small footprint. One well now produces what maybe 10 or 12 wells used to produce. The water we use to force the oil to the surface we send back down; we recycle it—we use it again—and ultimately we put it back down the hole where we drew it from in the first place when it came up with much of the oil that is produced.

In the case of coal, we take lignite coal and we produce synthetic natural gas. We put it in pipelines and we send it to other parts of the country, just like the gas you pull out of the ground. At the same time, in one of our plants, we are capturing CO<sub>2</sub>, the carbon dioxide. We are capturing it, we are compressing it, we are putting it in pipelines, and we are sending it off to the oilfields for second or tertiary oil recovery.

Those are some of the new developments we are undertaking in traditional sources of energy. But as we do that with things such as oil and gas and coal, we are also developing the renewables. For example, wind. Our State is now the ninth largest wind energy State of all 50. We are continuing to move up the ranks, and that includes investing billions of dollars to make it happen. Again, that is more energy for our country, from more diversified sources, creating good jobs in the process.

Think how important that is. Think how important it is to create good jobs at a time when we have more than 9 percent unemployment, 15-plus million people out of work, an economy that we need to get going and growing. Energy development represents an incredible opportunity to make that happen. But when we talk about energy development, we need all of the different sources of energy. Each has strengths and each has weaknesses. That is why we need the mix.

In our State we also produce biofuels: ethanol and biodiesel. Clearly the discussion today is how do we best create that environment to continue the development, the production, and the growth of ethanol in a way that is cost effective, that serves the taxpayers of the country, but continues to develop that vital industry for our country at a time when we need to reduce our dependence on foreign oil, when we need more domestically produced energy, when we need quality jobs, when we need a growing economy.

We can do it. We can do it with the right kind of energy policy—with the right kind of energy policy—and that is what we are talking about today. Think about ethanol. It helps reduce our dependence on foreign oil. For every gallon of ethanol we use as part of the fuel mix, that is 1 less gallon of gasoline we are bringing in from the Middle East, and by increasing supply we help reduce the cost of gasoline at the pump for our consumers.

In addition to that, we are creating good-paying American jobs. In 2010, the ethanol industry employed 400,000 workers in good jobs throughout the United States—400,000 jobs. It provided an important market for American farmers throughout our country. It displaced the need for 445 million barrels of foreign oil. Let me repeat that. It displaced the need for 445 million barrels of foreign oil. It reduced the price of gasoline at the pump by 80 cents a gallon for the American consumer.

In addition to all of that, the ethanol industry paid \$11 billion in Federal taxes in 2010. I want to emphasize that point. In 2010, the ethanol industry paid \$11 billion in Federal tax. So it is an important industry to our country and we need it to continue.

The point of the discussion today, though, is how best to do that. So for this discussion today, how do we create the right environment to stimulate private investment so we have that growing economy, we have more jobs, we have more energy, but we also generate more tax revenues with less government spending so we both grow our way out of this debt and deficit, we get this economy going, we create a better energy future for these young people and young people all over our great country.

That is why I have sponsored legislation, along with Senator THUNE and Senator KLOBUCHAR, that will reform the ethanol tax credit. It will provide deficit reduction and set us on the right path for alternative fuel development in our country for the long run. The legislation is called the Ethanol Tax Reform and Deficit Reduction Plan.

It is the right way to transition from the current VEETC, the volumetric ethanol excise tax credit, rather than the amendment today to simply do away with VEETC. This is the right transition for us to make from the VEETC to creating the right environment to stimulate investment and energy growth in biofuels for the future. The ethanol tax reform and deficit reduction plan provides \$1 billion in deficit reduction right away—provides \$1 billion in deficit reduction. But it also provides the right transition for ethanol by providing the right kind of energy policy. Specifically, we provide incentives for things such as blender pumps that offer consumers choice. We provide the right kind of incentives for research, development, and deployment of second-generation ethanol, specifically cellulosic ethanol, so that instead of making ethanol from food products, we make it from stover and wheat straw and other sources.

By combining blender pumps, flex fuel vehicles, and commonsense regulation on the part of the EPA that encourages higher fuel blends, we create the business environment that will foster growth in the ethanol industry.

What does that mean? That means, No. 1, we avoid the ongoing cost of subsidies such as the VEETC. Second, we set the ethanol industry up for long-term growth. Third, we gain jobs. We gain jobs at a time when we badly need them. We produce more energy, which reduces our dependence on foreign oil, and we gain tax revenues. We gain tax revenues to help reduce our deficit.

So we not only spend less directly, helping to reduce the deficit, we grow our economy, and that growing economy builds on the \$11 billion that the industry is already paying in Federal taxes, and we grow that base while we

are growing our jobs. That is the right way to move forward, to move out of our deficit situation in this economy, to get our economy going and also to produce more energy.

This is a market-based approach that will give customers more choice and also reduce their fuel costs. For example, you go into the station, there is a blender pump there. You have a flex fuel vehicle. You can dial up whatever blend you choose, anywhere from 0 percent biofuels all the way up to 85 percent, whatever works best for you, whatever works best for your pocketbook, whatever works best for your vehicle.

We have blender pumps in my State. We have an incentive for blender pumps in my State. As a result, we have more blender pumps than any other State in the country. The reality is today, if you buy fuel in North Dakota, almost all of the fuel you buy will have ethanol in it and you do not even realize it. Why? Because at a 90–10 percent blend, every vehicle can use it, and it is the lowest price gasoline at the pump, so dealers want to sell it. Consumers buy it. They simply buy it because they pick the lowest priced fuel at the pump. It is a 90–10 blend.

That is where we are going with this, a market-based approach. That is how it can work for the benefit of our economy, for the benefit of our energy future, for the benefit of reducing spending, and for the benefit of growing our tax revenues. That is the choice we have today. That is the right way to approach job creation and energy development in our country. We are reducing spending. We are improving and creating an environment for private sector investment that will help us build a probusiness climate for energy and economic growth in our country.

I urge my fellow Senators to make that progrowth choice.

I yield the floor.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. TESTER). Morning business is closed.

#### EXECUTIVE SESSION

NOMINATION OF CLAIRE C. CECCHI TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW JERSEY

NOMINATION OF ESTHER SALAS TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW JERSEY

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nominations which the clerk will report.

The assistant legislative clerk read the nominations of Claire C. Cecchi, of

New Jersey, to be United States District Judge for the District of New Jersey, and Esther Salas, of New Jersey, to be United States District Judge for the District of New Jersey.

The PRESIDING OFFICER. Under the previous order, there will be 1 hour for debate equally divided and controlled between the two leaders or their designees.

The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, today is a distinct honor for me to have the opportunity to fulfill the constitutional commitment that each of us has to assure the public at large that justice is being administered as it should be. We fulfill this commitment by making sure vacancies on the Federal bench are filled with individuals who have the proper experience and will provide the kind of fairness and balance in decisionmaking that confirms America's basic tenets.

Mr. President, during a 2-year hiatus that I took from the Senate, I was honored with the naming of a Federal courthouse in Newark after me, and I was so pleased to have that association with the justice administered in our society. Before the building was dedicated, I asked that an inscription that I authored be placed on the wall. It reads exactly as I labored to write it. It says:

The true measure of a democracy is the dispensation of justice.

As a matter of fact, when I shared that moment with my dear departed colleague, Senator Ted Kennedy, who questioned whether I wrote it because he knew I wasn't a lawyer, we joked about it, and I confirmed it. That is the way I saw things.

The sentiment behind that quote underscores how seriously I take my role in recommending New Jersey District Court nominees to President Obama. That is why I am so proud to come to the floor today and urge my colleagues to confirm President Obama's nomination of Judge Claire Cecchi and Judge Esther Salas to the U.S. District Court for New Jersey. Both are well qualified for the court, having devoted their careers to upholding the rule of law.

Throughout her career, Judge Cecchi has demonstrated her ability to navigate complicated legal matters and manage complex cases. During the confirmation process, she showed her temperament and diligence, she let us know something of her candor, and displayed the kind of character that she brings to the bench.

For the past 5 years, Judge Cecchi has served as a U.S. magistrate judge in the District of New Jersey, where she has presided over hundreds of civil and criminal cases.

Before joining the bench, Judge Cecchi spent 14 years in private practice, focusing on complex civil litigation. One of her passions is to encourage young people to pursue a career in the law. She has hosted Bring Your Child to Work Day programs in the district court, as well as a mock trial for