

function on a majority system. If you do not think someone is qualified, if you do not believe they have the judicial temperament, if you do not believe they have enough experience, if you do not like them for any reason, vote no. That is entirely within the prerogative of a Senator. But to hold them up, despite judicial emergencies, despite high caseloads, is to impact the system of justice.

I think this 10-percent vacancy factor now indicates that the condition of justice is, in fact, being affected throughout our country, particularly in the Ninth Circuit and in California as well as in many other States.

I thank the Acting President pro tempore and yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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 Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. COONS. Madam President, I rise today to continue to address an issue which I have just had the joy of hearing the Presiding Officer and the Senators from New York and Illinois speak to, and that concern I raise today is the ongoing crisis in our courts, the nearly 10-percent vacancy rate in judicial positions all across the United States.

I rise today as the junior Senator from Delaware but also as a member of the Delaware Bar and as a former Federal court clerk, and as someone who has, I think, a personal sense, from that experience and my service on the Judiciary Committee, of the consequences of these delays—the consequences of steadily climbing caseloads, significant judicial vacancies, judicial emergencies in districts across our great country, including in the State of California, and what that means for people, for companies, for communities for whom justice is being delayed and thus denied.

Earlier this month I attended the investiture ceremony of Judge Richard Andrews who was sworn into the U.S. District Court for Delaware. This is the first time in 6 years the very busy District Court of Delaware has had a full complement of district court judges.

Although I am relieved and the people of Delaware are grateful to have a full bench, and although Judge Andrews is an extremely talented lawyer and a devoted public servant and utterly nonpartisan—just the sort of district court nominee about whom the Presiding Officer just spoke—his nomination took nearly 6 months to be confirmed by the Senate.

I am glad Judge Andrews has made it through because in the Senate the confirmation process seems to be more broken this year than last. When I joined the Senate in 2010, judicial

nominations had slowed to a crawl. I watched with dismay as folks whom I viewed as highly qualified were blocked.

Goodwin Liu, for example—a brilliant and qualified legal scholar, a nominee twice to the Ninth Circuit—could not overcome a GOP filibuster, in part payback for a view, I believe, on the other side of the aisle of the rough handling of Miguel Estrada, whose nomination was defeated during the Bush Presidency.

What I have been most concerned about as a freshman Senator is how the history lying about this Chamber seems to steadily pile up session after session, and the process seems to be weighed down by this burden of history.

But next, Caitlin Halligan—an extremely competent attorney without a single partisan blemish on her record—was nominated to the DC Circuit, and her nomination, in my view, was also blocked based on a grotesque misrepresentation of her actual record. The major talking point against her nomination, if I recall right, was that the DC Circuit already had more than enough judges.

Judge Halligan would have been the 9th judge on that court. Notably, all the GOP Members who spoke against her had no qualms when the Senate confirmed the 10th and 11th judges to sit on that very same circuit during the Bush nomination period. But I think these sorts of fine points of history are lost on the people, the communities, and the companies across our Nation who go to the courthouse seeking justice and find none.

In 2012, as some of the previous Senators have stated, we have so far confirmed just five judges. Today, there are 19 nominees on the floor, 12 of whom came out of our Judiciary Committee unanimously, who are now languishing on our Executive Calendar. Republicans have not stated objection to these nominees but refuse to grant consent for a vote to be scheduled.

President Obama's nominees have waited four times longer after committee approval than did President Bush's nominees at this point in his first term, and the Senate is more than 40 confirmations behind the pace set during the Bush administration.

It is not just judges who have been the subject of this ongoing weighting down. The Executive Calendar, which I have the privilege to flip through every time I preside, is filled with nominees for vacancies in every major department and in every major independent agency in this government. It is more than a dozen pages long of nominations that have sat for months and months.

Last month, in response to the Republican obstructionism in moving this Executive Calendar and in filling these administrative vacancies, President Obama made recess appointments: the Consumer Financial Protection chief, Richard Cordray, and members of the National Labor Relations Board. Some

of us on both sides of the aisle do agree that Congress, and not the President, has the right to declare when the Senate is in recess. But whatever one's view of these appointments, there is no questioning that in either case, Republicans forced the issue through their unprecedented refusal to vote the President's nominees up or down and allow him to proceed with the progress of our Nation.

As Senators, we have a responsibility to advise the President as to his nominations and, where we agree, to consent; where we do not, each of us is free to vote no. Some Senators have suggested they will oppose all nominations in opposition to the President's recess appointments. In my opinion, a pledge to oppose all nominations is a pledge not to do his or her job. In my view, we ought not to make such a pledge. In my view, while so many Americans are out of work, and so many of us are here on the public payroll, we can, we should, and we must move forward with the judicial nominees.

This morning, this session began with a very encouraging moment of harmony between the majority leader and the Republican leader on the concept of moving ahead with appropriations. It is my hope and prayer we will do the same on judicial nominations as well.

I call upon my colleagues on the other side to rethink this strategy of obstruction at all costs because it is the American people who pay the price in the end.

With that, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas is recognized.

#### ORDER OF PROCEDURE

Mrs. HUTCHISON. Mr. President, I ask unanimous consent to enter into a colloquy with my Republican colleagues for up to 30 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### DOMESTIC ENERGY

Mrs. HUTCHISON. Mr. President, I think it is obvious all around our country that Americans are struggling right now with gasoline prices. The average American family spent more than \$4,000 on gasoline last year, and it will be more this year, with the additional devastating price increases we are seeing now that will wreak havoc on our economy.

The national average price of a gallon of gasoline has gone up every single day for the last 3 weeks. In many parts of our country, prices at the pump are around \$4 a gallon. But instead of encouraging an "all-of-the-above" approach, which the administration has said it is doing, the administration, instead, has been frustrating every domestic source of energy production that does not conform to a narrow view of alternative fuels.

The President is opposed to increased drilling in the Arctic National Wildlife Reserve and opening additional areas of the Outer Continental Shelf off the Alaskan coast.

The people of Alaska have voted to support the ANWR drilling because they know ANWR is an area that is the size, approximately, of the State of South Carolina, and the part that would be drilled is approximately the size of Washington National Airport. So they know this would be good jobs for Alaska, and it would not harm the environment at all because the drilling area is so very small in this vast wild-life reserve.

The President has also restricted drilling on Federal lands, opposes the development of shale gas and coal, and will not open additional areas of the Outer Continental Shelf in the lower 48 States. Even though some State legislatures, such as Virginia, have said they would like to do it, the President has shut that down.

The President opposes further drilling in the Gulf of Mexico, and nuclear energy is also now on the list, I guess, of moratoria. He has rejected the Keystone XL Pipeline.

What the President does favor is the Saudis increasing oil production and increased use of solar, wind, and algae at home.

Does that substitute for an energy policy? Is that something Americans can count on to increase the supply of energy in our country?

Last week, the President said: We cannot drill our way to lower gas prices. This statement is inaccurate. Increased domestic production will go a long way toward stabilizing gas prices. Why does this President want to turn his back on critical sources of domestic energy which seems incomprehensible to anyone looking at this issue?

So I have colleagues on the Senate floor who come from different States—States where unemployment is high and people are looking for jobs and looking for alternatives.

I would like to turn to the Senator from the great State of Missouri, Mr. BLUNT, and ask the Senator from Missouri if he has a view. Is he hearing from his constituents in Missouri?

Mr. BLUNT. Well, I do. I think I will quickly yield to my good friend from Ohio and then speak again.

Actually, I just met with disabled veterans who are here in town today. I told them I was going to be talking about energy, and they said the long-term effort of the Veterans' Administration to get veterans to their health care appointments is dramatically impacted by these high gas prices—just like for veterans and retirees of all kinds with the number of dollars going into their gas tanks.

As they see the price of that tank of gas go up \$10, maybe they decide: I am going to have to quit because that is all the money I have with me or I am going to fill up the tank and see it go to \$40, \$50, \$60.

As families look at that, as retirees look at that, as veterans look at that, they have got to be thinking as that gas tank number changes, something else they were going to do that week is something they are not going to be able to do. This has dramatic impact on families; it has dramatic impact on the way we live; it has dramatic impact on the confidence people have in our economy.

If you look at any charts of gas prices going up, you see consumer confidence going down. It happens in States such as the Senator's or in States in the middle of the country such as Missouri or Senator PORTMAN's State of Ohio. I know we have all been home. I am sure you cannot have been home and not have heard a lot about gas prices.

Mr. PORTMAN. The Senator is absolutely right. I say to my colleagues from Texas and Missouri, they are right on in terms of the impact on Ohio families. I was home last week. In fact, I drove from Ohio to Washington last night. I had to fill up a couple of times on the way, and the price was over \$3.70 a gallon. According to AAA, the average price now is over \$2.70 a gallon.

This is impacting families. I have met with people who were in the trucking business and small operators who are trying to make ends meet. They are saying: ROB, I do not know how this is going to work because our gas prices keep going up at a time when our expenses are going up as well. They are getting squeezed out. Of course, higher prices for gas affect all of us as families, they affect everything we buy, because that cost is embedded there. So this is hurting our economy in very fundamental ways.

Record levels for this time of year. This is not just a seasonal issue. This is a longer term failure of an energy policy by the Obama administration. That is something we all need to focus on, not to just be critical of bad policies which have gotten us here, but how do we get out of it? What do we do? That is what I wish to talk about for a minute today.

Let me give you a couple of interesting numbers. The price of gas has increased by 94 percent in the last 3½ years, during the Obama administration. So you are talking about almost a 100-hundred percent increase in the cost of gasoline.

There was an all-time high last year of \$2.53 a gallon, and again over \$3.70 this year already. By the way, last year the average amount spent by a family in America for gasoline at the pump—over \$4,000. So this is a big part of people's budgets. We have been hit hard. At a time when millions of Americans are struggling amid a continuing weak economy, it is particularly tough because budgets are already stretched thin.

We need to produce more, in my view. If you produce more, you are going to see prices come down. It is sort of the basic law of supply and de-

mand. So right now we have demand around the world maybe picking up a little bit, and yet we are not producing as much as we should be. And, frankly, we are producing less than we have.

Let me give you some interesting numbers here that actually surprised me in terms of what the President is saying versus the facts. The President says we are producing more than we have in the past. The production of natural gas on public lands and waters went down 11 percent last year; decline in oil production, 14 percent. In the Gulf of Mexico, there was a 17-percent drop from 618 million barrels in 2010 to 514 in 2011.

The Senator from Texas talked about this. We are not seeing an increase; we are seeing a decrease. This is at a time when all of us, I hope, realize that we have to be focused on producing more here at home, one, so we can get prices down, and, two, so we can get less dependent on these dangerous and volatile parts of the world. If we do not do that, we are going to be subject to what happens in Libya or Iran and see gas prices spike up as we are seeing now. We have got to produce more and we have got to produce it here at home to get away from the OPEC cartel. Washington wastes time by not acting now to immediately expand that production.

The White House says you cannot immediately expand production because it takes some time. Well, all the more reason to get started with it, as the Senator from Texas has said. If we had started a few years ago, we would be in much better shape. But also the price of gasoline reflects what people think it is going to be in the future. So even if we made a commitment today to get busy on more domestic production, oil and natural gas, it would affect the price because it would affect what folks are thinking about what the future prices are going to be.

Mrs. HUTCHISON. Would the Senator from Ohio yield.

I think the Senator from Ohio is making such a good point, because here the President is saying producing more will not lower prices. Does that seem like the fundamental supply-and-demand explanation that most economists have adopted in our country, that if you supply more the price will go down? Does not that seem like a non sequitur?

Mr. PORTMAN. It does. I think most people get it. Because even if you do not have a degree in economics, and I do not, we understand the law of supply and demand works. So if you are going to cut the supply, as has happened, you are going to see prices go up.

Let me give you an example. In 2010, the President cancelled leases in the Gulf of Mexico and the Mid-Atlantic. In 2011, he put forward a 5-year lease plan that reinstitutes a moratorium in the Atlantic, Pacific, halves the number of lease sales in the old plan. So, again, if supply is going down, you are likely to see prices go up. That is exactly what

has happened. He slowed down permits for deepwater and shallow water drilling in the gulf. He is now set to impose severe new regulations on oil refiners. That is going to further raise prices.

Speaking of oil refineries, that is a big part of the cost of gasoline. About 11 percent of the cost, according to the American Petroleum Institute, of the price of gasoline comes from refining. By putting more and more regulations and costs on refining, you are going to have an impact on prices as well that is negative and hurting our families.

The EPA, the cap-and-trade regime, did not get through the Congress. So they are moving ahead through regulations, causing a lot of uncertainty, a lack of construction of refineries. The first new refinery in a generation, in fact, has been delayed because of it.

This actually brings us to the second problem, I say to my colleagues from Missouri and Texas. This is not just about gas prices, as important as that is; it is about jobs. Because by stopping the construction of a refinery, we are putting new regulations on not allowing the kind of drilling we want to do in the State of Ohio to bring jobs, and you are hurting the very jobs Americans need to be able to pay their gas bill. These are good-paying jobs. They tend to be jobs that pay well, have good benefits. So a pro-growth energy strategy does not just result in a more secure energy source, more reliable energy, it also results in more jobs, which we need desperately.

The President seems to be saying he is going to reverse course. In his State of the Union Address, he says he is for an all-of-the-above strategy. By the way, a week after that, do you know what he did? He rejected the Keystone XL Pipeline, which—talk about all of the above—we certainly should be from our strong ally to the North getting oil we need for our refineries to get the cost down.

By the way, that pipeline also picks up American oil. I bet you that our colleague from North Dakota is going to talk about that in a little while, because he has been Governor of North Dakota and understands the importance of the Keystone XL Pipeline. So whether it is the offshore drilling we talked about, moving ahead with drilling onshore, and exploration that can help create jobs and energy security, whether it is the Keystone XL Pipeline, whether, as I talked about in terms of the regulations on our refineries, there are things we can do and should do and do immediately, if we do these things to have more domestic energy production, yes, we will begin to see these prices go down and stabilize.

I come from Ohio. As the Senator from Missouri said, we have a tradition of producing oil and gas. It goes back to the turn of the century, the last century. Then we kind of got away from it for a while and people in Texas started producing a lot more oil and gas. We are back in the business, thanks to these shale finds. The Marcellus

shale—it is the Utica shale, it is natural gas. But it is also oil and what they call wet gas, which is very valuable.

I will tell you, having spent a lot of time in eastern Ohio over the last several days, people are excited about this. It is bringing back good-paying jobs, allowing people to stay in these communities and be able to raise their families with not just a living wage but real hope for the future.

It also will have an effect on our gas prices. We have an opportunity, before things get worse, to come up with a different solution, a sensible national energy policy that stops our dangerous dependence on foreign oil and leads to more domestic production and therefore prices we can afford at the pump.

Mrs. HUTCHISON. I want to say to the Senator from Ohio that I am very pleased Ohio is getting back into the drilling business. That is creating jobs in a State that I know has had high unemployment. It is so clearly in America's best interests to have our people working.

And, of course, the Keystone Pipeline, which our colleague from North Dakota is going to talk about in a few minutes, is the perfect place to create jobs; instant jobs with not one dime of taxpayer dollars. This would be private dollars invested in a pipeline that would bring oil from our friends in Canada all the way through the United States to the refineries in Texas, which it is estimated would produce 830,000 barrels of oil into gasoline a day—a day. Think of what that would do to the price.

The Secretary of Energy has actually made the statement that we want gasoline prices to increase along the lines of Europe. Oh, really? I wish to ask my friend from Missouri, how would the working people in his State feel about \$8 or \$9 per gallon, which is what they pay in Europe, as a cost at the pump? What would that do to the economy of Missouri? What would that do to the unemployment in Missouri?

Mr. BLUNT. I was asked the other day when I was home: Does the administration have a plan? I said: Well, if you listen to what they say, this is their plan, for these gas prices to go up. We are not Europe. In spite of what the Secretary of Energy may have said the month before he was named as Secretary, that our big problem was our gas was not as high as gasoline in Europe, that was, according to him, our big problem.

The President who appointed him said a few weeks before that, at the San Francisco Chronicle editorial board: Under my energy policies, energy prices will skyrocket. So apparently they are well along on the plan.

As I mentioned a couple of times already, gasoline is twice as high as it was in January of 2009. We are not Europe. We are a big country that is dependent on transportation. We drive farther to go to work than most Europeans do. We transport our goods more

than most Europeans do. We have this big agricultural economy that feeds a whole lot of the world and only works with affordable energy.

There are two points both Senators have made that I wish to drive home. One is that more American energy means more American jobs, and not just the jobs to build something such as the Keystone Pipeline but also the jobs at the refinery when that 800,000 barrels of oil a day gets to our refinery. They are American workers running that refinery.

If our economy is prosperous, there are more people working in manufacturing and transportation and all of the things that we do for a living. The shortest path to more American jobs is more American energy. We should be working on that, and then the impact on families. You know, as families see what is happening at the gas pump, as I said earlier, they give up on other things they would hope to do.

The President said at the State of the Union that he was for an all-of-the-above strategy. Apparently the regulators do not know about this. The regulators the President has appointed seem to have no clue that the all-of-the-above strategy of coal, of natural gas, of oil, needs to be part of what we are doing as we invest in the future.

Nobody is opposed to looking for what comes next after fossil fuel. The concern is we are not there. Even if we knew we were going there, we would not get there for a long time. Even if we knew what would power our cars 30 years from now, most cars 20 or 25 years from now will still be pulling up to a gas pump. Most trucks will still be pulling up to a gas pump.

Frankly, the economy could not absorb it any other way. And we do not know yet what is the likely next thing. I am for seeing us invest in that. I am for conservation so we use our energy more wisely. But let me say, the poorest people are the last ones who get the new high-mileage vehicles or the energy-efficient refrigerator or the new windows. Retired Americans, Americans struggling to get by, are going to be the last people to benefit, in most cases, from those ideas.

Let's conserve our way out of this or let's price our way out of this. More American energy is good for us. Energy from our friend and next-door neighbor is the next best thing to energy we produce ourselves. We ought to do all we can to produce all the competitive energy we can on our own. We then ought to do all we can to encourage our closest trading partner, our most equitable trading partner. When we send them a dollar, they send us almost a dollar back every single time. Regarding energy security, the odds that we are going to have a problem with our Canadian neighbor are a lot less than the odds that something will happen in the Middle East that will be a problem for us. Because of these new finds in gas shale, oil shale, tar sands, and other things, we can now use small

platforms to access it that would not be disruptive in a significant way; a small drilling platform doesn't do that.

I thank our good friend, Senator HUTCHISON from Texas, for putting this discussion together and for being such a leader on energy issues. Senator HOEVEN, when he was Governor, saw what could happen in the economy of a State when we decide we are going to make the most of our natural resources. The economy of North Dakota changed dramatically while he was Governor because it became an energy producer and is now one of the biggest energy producers in our country. He wants to talk about the Keystone Pipeline, and I wish to hear that if the Senator is ready. We can go back to the Senator from Texas, and then we will hear from Senator HOEVEN.

THE PRESIDING OFFICER (Mr. MANCHIN). The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I thank the Senator from Missouri for the point he made about trading with Canada, our ally and closest neighbor, our biggest trading partner, as opposed to having Canada ship the oil they are now producing in the Alberta sands over to China or over someplace else, and sometimes it would be shipped back in or we would be taking oil from the Middle East, and all the things that can happen when oil is being shipped from the Middle East to America are risks we would have to take.

Mr. BLUNT. Mr. President, if I may make a final point. Every other country in the world looks at its natural resources, and the first two words they think of are "economic advantage" or "economic opportunity." That is what the Canadians are doing. Only in the United States do we have any significant number of leaders who look at our natural resources, and the first words they think of are "environmental hazard" and "what is the worst thing that could happen?" And "what if that happened every day?"

The Canadian Prime Minister was in China just in the last month talking about selling their oil to the Chinese, who want to buy it. That is what the Canadians should be doing. They would prefer to sell it to us. We should buy it. But they are not going to decide that if our most logical partner doesn't want it, we will just let our economy suffer and not do anything with it. Nobody else looks at energy resources that way. We should not either, and we should not expect the Canadians to do that.

That pipeline is either going to go south to our refinery or west to the coast, where they will ship that oil to Asia. We should not let that happen. They don't want it to happen. We should not be upset with them if we will not buy it and they decide they are going to benefit from their own resources, as they should.

Mrs. HUTCHISON. The Senator makes the exact right point. Of course, they should look for markets so their people can be employed. The folly is

that America would not be the logical place to say, yes, we want it, of course. Let me give a statistic, and I will ask the Senator from North Dakota his opinion. Frankly, he has been the leader in the Senate to try to get the Keystone Pipeline approved by the State Department and the White House. He has been the leader. I was amazed just yesterday that the White House did a kind of a double backflip with a twist. The Wall Street Journal said it best: "Obama's Keystone Jujitsu." What the administration did, in a mind-numbing kind of logic, was say: We said no after more than 3 years of environmental studies that all approved the Keystone Pipeline coming from Canada down through Oklahoma and into the refineries in Texas. Instead of approving it after more than 3 years of good environmental studies that came out positive, the President said no.

But yesterday, the President said: We will approve and say it is a good idea to do the pipeline from Oklahoma down to Texas. That is not bad; it is great to have that, but the problem is, if we do the 830,000 barrels a day that would come from Canada all the way down to the refineries in Texas, it would produce 34 million gallons of oil a day, or the equivalent of more than 16 million gallons of gasoline.

I ask the Senator from North Dakota, who could be bypassed with this new plan, how is that going to affect the rest of America—not the America between Oklahoma and Texas but the rest of America, including the State of North Dakota? Why would he think the President would think that is a solution?

I wish to make sure the Senator has up to 10 minutes, so I ask unanimous consent for that.

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

Mrs. HUTCHISON. I yield to the Senator from North Dakota for up to 10 minutes. I ask him, how on Earth does this affect the price of gasoline when we could be putting 34 million gallons of oil, or more than 16 million gallons of gasoline a day into people's tanks? How could the President say that would not lower the price?

Mr. HOEVEN. Mr. President, I thank the Senator from Texas for organizing this colloquy with the Senator from Missouri and the Senator from Ohio on this very important issue.

We have our American consumers paying more than \$3.70 at the pump today. Actually, today the price is \$3.72. That is the right question because that hits every single American. As the Senator from Texas and the other Senators have pointed out, when the administration took office, the price of gasoline per gallon was about \$1.85. Today, it is \$3.70. Actually, again, this chart is already old; today the average price is \$3.72. In some places, it is already well over \$4. The projection is that by Memorial Day, gasoline will be \$4 a gallon and by later this summer it could be as much as \$5 a gallon.

Let's put that into perspective for just a minute, following up on the question by the Senator from Texas. Recently, the President wanted a payroll tax cut, and the Congress passed that payroll tax cut. As the President liked to point out, that was about \$1,000 a year. The benefit of that payroll tax averaged about \$1,000 a year for the American worker or about \$40 a paycheck. People get a paycheck every week, so it would be \$40 a paycheck for the average working American. That is about \$20 a week.

When we are paying between \$4 and \$5 a gallon for gas at the pump, we more than pay that additional \$20 we got in that payroll tax, don't we? In other words, it costs us more than that. In essence, we have gone back because of the high price of gasoline.

What is the administration doing? As the Senator from Missouri just pointed out, the administration has an all-of-the-above strategy. What is that? That means we produce more energy from all our resources—oil, gas, biofuels, solar, wind, nuclear, and biomass. I agree with that. We should produce all our energy resources and have an all-of-the-above strategy. The problem is the administration is saying that, but they are not doing it. They are saying we should have an all-of-the-above strategy, but they are not doing it. Not only are they not doing it, they are actually blocking oil and gas development in our country, and they are blocking our ability to get oil from our closest ally and trading partner, Canada.

The Keystone XL Pipeline, which they have turned down, is a great example of that. That is 830,000 barrels a day that we are not getting from Canada, because after 3½ years of study, the administration turned down the project. The Keystone XL Pipeline and projects similar to it are very important parts of the solution. We still get 30 percent of our crude from the Middle East and Venezuela. Oil prices are going up because of instability in the Middle East. That creates a risk premium to the price of gasoline, which we could reduce substantially by producing more oil and gas here at home and with our closest friend and trading partner, Canada.

Ironically, the President wanted a payroll tax cut to stimulate our economy, he said, and to help the American worker. Then he more than takes away any benefit from that payroll tax cut by blocking our ability to develop oil and gas in this country and to get oil from Canada. In my State of North Dakota, not only can we not get our oil to market because we cannot put it into the Keystone XL Pipeline and get it to refineries, we cannot get the oil from Canada either, and our consumers, working Americans, pay the price at the pump. Why would the administration do that? Why?

I think some insight is provided by Ted Turner's letter on the CNN Web site. He has a letter on that Web site,

and everyone can check it out. Mr. Turner cites a number of arguments as to why we should not get oil from Canada. First, he says: That oil we get from Canada—we will just export it, so it will not reduce gas prices in the United States. But in a recent Department of Energy report, dated June 22, 2011, the U.S. Department of Energy says just the opposite; that the crude we bring in from Canada will be refined in the United States, and it will lower gas prices in the United States on the east coast, the gulf coast, and in the Midwest—not “may” reduce gas prices but “will” reduce them on the east coast, the gulf coast, and in the Midwest. Mr. Turner’s letter says the pipeline will leak and, gee, we don’t want a pipeline that leaks.

As my second chart shows, this is the second Keystone Pipeline. This first Keystone Pipeline has already been built. He says that Keystone Pipeline leaked, so we cannot build a second one. The first one had no underground leaks. The leaks he refers to were minor leaks at some of the joints as they constructed the thing, which is normal and they were quickly and readily handled and they were no problem. That is functioning today just fine, and there are no underground leaks. So that is not accurate either, is it?

As a matter of fact, let’s take a look at this chart. Those are not the only two pipelines we have in the United States. There are others. We have thousands of oil and gas pipelines across the country. But somehow building one more that will bring in 830,000 barrels a day to help reduce the price of gas is a problem. Really? That doesn’t make much sense.

The other argument he uses is that we are producing that oil in Canada in the oil sands, and that is not good because we have to excavate to do it. What is the reality with producing oil sands? It does have somewhat higher greenhouse gas emissions. How much? About 6 percent. That is how much more greenhouse gas emission we get. But we are moving from excavating to produce that oil and gas to in situ. In situ is drilling just like we do for conventional oil. That means the same amount of greenhouse gas, the same footprint. Eighty percent is in situ. It has the same amount of greenhouse gas. We have deployed new technologies and produce more energy and do it with better environmental stewardship. So these arguments aren’t accurate.

But the reality is this: Folks like Mr. Turner, rich and famous, I guess they can pay \$4 for gasoline. They can pay \$5 for gasoline or a lot more. That isn’t a problem for them. The problem is for hard-working Americans who have to pay that price at the pump every single day. So the administration has to decide who they are going to side with on this issue. Who are they going to side with on this issue? Are they going to continue to side with, I guess rich and

powerful interests that want to see those gasoline prices go higher, and for whom the price of gasoline at the pump really isn’t an issue or with hard-working Americans for whom this creates real hardship? That is the issue we have here with this vote that we will be having on the Keystone XL Pipeline.

The reality is this: We can have North American energy security. We can do it. Right now, between Canada and the United States, with some help from Mexico, we produce about 70 percent of our crude. The Keystone XL project alone would take us up over 75 percent. And with other sources, which some of my colleagues have referred to, such as shale and the in situ drilling I have talked about, we can easily meet our needs. In fact, if we include the work we are doing with natural gas, with biofuels, and with energy efficiency, I believe we can truly have North American energy security—meaning we can supply the energy needs in the United States and North America, with our friends in Canada, within 5 to 7 years. But we have to get started. We have to get started.

So let’s get started, Mr. President. Let’s start by approving the Keystone XL Pipeline project. Let’s show the world we are serious about getting this done. Asking the Saudis for more oil, as some of my colleagues have done, doesn’t solve the problem. Nor does taking oil out of the Strategic Petroleum Reserve. That doesn’t solve the problem. We solve the problem by truly producing all of the above—not saying it but doing it.

It is ironic the administration praises TransCanada for moving forward on building the only portion of this pipeline they can build without a Presidential permit. He praises them for moving forward at the very time the administration is blocking the project. And while they are blocking it, that means not one more drop of oil is coming into this country from Canada, not one more drop of oil is coming from my State of North Dakota down to the refineries to help reduce the price of gasoline at the pump. That is not an all-of-the-above energy policy. That is not helping American workers. And that is exactly why gasoline is \$3.70 a gallon and going higher.

It is time for Congress to act.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

#### SURFACE TRANSPORTATION REAUTHORIZATION

Mr. CARDIN. First, let me express my disappointment that we are not here debating the surface transportation reauthorization bill. We had a bill that came out of the Environment and Public Works Committee and came out of several other of our committees by unanimous vote, so it is a bipartisan bill. It is a bill that will save jobs and create jobs here in America. It will re-invest in our own infrastructure to

make America more competitive. And, as I said, it has been done in a bipartisan manner thanks to the hard work of many people.

I see Senator BOXER on the floor. Thanks to her incredible leadership, we have an agreed path forward from the point of view of the relevant amendments. So what is holding up the process? It is these amendments that have absolutely nothing to do with the transportation programs of this country. We are talking about policy in Egypt, which has nothing to do with our transportation needs. I would start by saying how disappointed I am that we haven’t yet started the real debate on our transportation reauthorization bill which will create jobs, save jobs, modernize America, and make us more competitive.

Let me yield for a moment, if I could, to my colleague from California, Senator BOXER.

Mrs. BOXER. If my friend would yield for a question and keep the floor—and I ask unanimous consent that the time for this colloquy not be taken off his time, or does he have unlimited time?

Mr. CARDIN. It is 10 minutes.

Mrs. BOXER. Well, let me say thank you to my friend. I know he is here to talk about judges, which is a critical issue. I am very happy he is going to do that. The lack of action on these qualified nominees is hurting our people.

But I wanted to thank him for his comments. The Senator from Maryland, Mr. CARDIN, is a senior member of the Environment and Public Works Committee and has worked so hard, along with our invaluable staff, and provided an invaluable contribution to the Transportation bill. I guess the question I will get to is this one: With 2.8 million jobs on the line—that is 1.8 million jobs we have currently attached to a highway bill and then an additional 1 million jobs which will be created because of some of the work we did on TIFIA to leverage the jobs—does not my friend believe this is the time to move a jobs bill, when we are in the process of seeing this economy finally turn around? The turnaround is not as fast as we want, but does my friend believe the timing of this couldn’t be better; and that if we pass this bill, which is so bipartisan, it will kick this economic recovery into higher gear?

Mr. CARDIN. The Senator is absolutely correct. We need more jobs in America. I congratulate the Obama administration for turning our economy around. We have had 23 consecutive months of private sector job growth, but we don’t have enough jobs yet. We have to create more jobs. Now is the time to be bold on looking for responsible programs that can move this country forward and creating more jobs, not only initially in road construction, in bridge construction and transit construction, but making us more competitive for the future and creating permanent job growth for America, jobs that cannot be exported.