

qualities important for a judicial nominee: intelligence, a judicial temperament, and personal integrity." She has a strong record.

As to the debate we have heard on national security, Caitlin lives in the heart of New York City. She saw the Twin Towers fall. In the years that followed, she worked as pro bono counsel to the board of directors of the Lower Manhattan Development Corporation that oversees the rebuilding of Lower Manhattan—helping our city to grow stronger every single day.

Lastly, today, women make up roughly 30 percent of the Federal bench. For the first time in history, that holds true in trial courts, courts of appeals, and the highest court in the land, the Supreme Court.

It is true we have come a long way, but we still have a long way to go on this journey for full equality. I think she is a superbly qualified nominee, and I urge my colleagues to vote in support of her.

#### CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Caitlin Joan Halligan, of New York, to be United States Circuit Judge for the District of Columbia Circuit.

Harry Reid, Patrick J. Leahy, Barbara Boxer, Benjamin L. Cardin, Robert P. Casey, Jr., Bill Nelson, Barbara A. Mikulski, Amy Klobuchar, Al Franken, Jack Reed, Sheldon Whitehouse, Robert Menendez, Kirsten E. Gillibrand, Richard Blumenthal, Max Baucus, Sherrod Brown, Dianne Feinstein.

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

The question is, Is it the sense of the Senate that debate on the nomination of Caitlin Joan Halligan, of New York, to be United States Circuit Judge for the District of Columbia Circuit, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Maryland (Ms. MIKULSKI), and the Senator from Colorado (Mr. UDALL) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Idaho (Mr. CRAPO), the Senator from Utah (Mr. HATCH), the Senator from Nebraska (Mr. JOHANNES), and the Senator from Louisiana (Mr. VITTER).

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

The yeas and nays resulted—yeas 51, nays 41, as follows:

[Rollcall Vote No. 30 Ex.]

#### YEAS—51

Baldwin	Gillibrand	Murphy
Baucus	Hagan	Murray
Begich	Harkin	Nelson
Bennet	Heinrich	Pryor
Blumenthal	Heitkamp	Reed
Boxer	Hirono	Rockefeller
Brown	Kaine	Sanders
Cantwell	King	Schatz
Cardin	Klobuchar	Schumer
Carper	Landrieu	Shaheen
Casey	Leahy	Stabenow
Coons	Levin	Tester
Cowan	Manchin	Udall (NM)
Donnelly	McCaskill	Warner
Durbin	Menendez	Warren
Feinstein	Merkley	Whitehouse
Franken	Murkowski	Wyden

#### NAYS—41

Alexander	Enzi	Moran
Ayotte	Fischer	Paul
Barrasso	Flake	Portman
Blunt	Graham	Reid
Boozman	Grassley	Risch
Burr	Heller	Roberts
Chambliss	Hoeven	Rubio
Coats	Inhofe	Scott
Coburn	Isakson	Sessions
Cochran	Johnson (WI)	Shelby
Collins	Kirk	Thune
Corker	Lee	Toomey
Cornyn	McCain	Wicker
Cruz	McConnell	

#### NOT VOTING—8

Crapo	Johnson (SD)	Udall (CO)
Hatch	Lautenberg	Vitter
Johanns	Mikulski	

The PRESIDING OFFICER. On this vote the yeas are 51 and the nays are 41. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader.

Mr. REID. I enter a motion to reconsider the vote by which cloture was not invoked on the Halligan nomination.

The PRESIDING OFFICER. The motion is entered.

#### VOTE EXPLANATION

• Mr. VITTER. Madam President, I could not participate in the vote on the motion to invoke cloture on the nomination of Calendar No. 13, Caitlin Joan Halligan, of New York, to be U.S. circuit judge for the District of Columbia Circuit. Had I voted, I would have voted nay.

Ms. Halligan has consistently espoused extremist positions on well-settled areas of the law including second amendment rights, abortion, and terrorist detention. I believe that Ms. Halligan's demonstrated propensity for judicial activism disqualifies her for the Federal bench where a judge must impartially apply the law. •

#### ORDER OF BUSINESS

Mr. REID. Madam President, we are now going to move to the Brennan matter. The Republican leader and I are trying to work something out. I have had numerous contacts from everybody about the problems with the weather. We are going to try to reach an agreement to move forward on Brennan and finish it today. I don't know if we can do that, but this is what we are trying to do.

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. BROWN. I ask unanimous consent that the order for the quorum call be rescinded.

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

#### MORNING BUSINESS

Mr. BROWN. Madam President, I ask unanimous consent to speak as in morning business for up to 10 minutes, and Senator INHOFE, the senior Senator from Oklahoma, be given 20 minutes after I speak.

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

#### DOOLITTLE "TOKYO RAIDERS"

Mr. BROWN. Madam President, I rise to recognize the lasting contributions of 80 courageous Americans who participated in the Doolittle raid, our Nation's first offensive action on Japan's soil during the Second World War. I am pleased to have Senator BOOZMAN as the lead Republican of an effort to ensure these men have the recognition they deserve. Together, we introduced S. 381, which will award the surviving airmen, known as the Doolittle Raiders, with the Congressional Gold Medal. Senator BOOZMAN's collaboration reiterates that bipartisan support for our veterans endures in this body. Joining us as original cosponsors are Senators MURRAY, TESTER, BAUCUS, NELSON, CANTWELL, and SCHATZ.

As chairman of the Senate Veterans' Affairs Committee during the last session, Senator MURRAY also cosponsored last year's resolution. We are grateful for her leadership. Our colleague Senator LAUTENBERG, the sole World War II veteran serving in the Senate, is also a cosponsor.

Some 16 million Americans served this country during World War II. Today their average age is 92. These survivors have earned the respect of a grateful Nation. Now is the time for us to act to honor them.

On April 18, 1942, 80 American airmen volunteered for an unknown assignment. These sons, fathers, and brothers accepted what they only knew to be "an extremely hazardous mission." They were led by Lt. Col. James "Jimmy" Doolittle, a one-time flight instructor at Wright Field in Dayton, OH, in my home State. He also studied at Kelly Field and McCook Field in Ohio.

The Doolittle Raid was the first time the Army Air Corps and the Navy collaborated on a tactical mission. These pilots flew 16 U.S. Army Air Corps B-25 Mitchell bombers from the deck of the USS *Hornet* into combat, a feat that had never been before attempted.

On the morning of the raid, the USS *Hornet* was discovered by Japanese picket ships. Fearing the mission

might be compromised, the Raiders launched 170 miles earlier than planned. The earlier launch meant these men now had to travel over 650 miles to their intended targets, leaving them with the possibility of running out of enough fuel to land beyond the Japanese lines in occupied China.

Accepting this choice meant the Raiders would almost certainly have to crash land or bail out either above Japanese-occupied China or over the home islands of Japan. Any survivor would certainly be subjected to imprisonment, torture or death.

After reaching their targets, 15 of the bombers continued to China, while the 16th—whose plane was dangerously low on fuel—headed to Russia.

The total distance traveled by the Raiders was about 2,250 nautical miles over a period of 13 hours, making it the longest combat mission ever flown in a B-25 during the war.

Of the 80 Raiders who launched that day, 8 were captured—3 of them were executed, 1 died of disease, and 4 of these prisoners survived and returned home after the war. Of the original 80, 4 are still with us today. They are residents of Montana, Texas, Tennessee, and Washington State.

There was a fifth, MAJ Tom Griffin of Cincinnati, OH. On the evening of February 26, just 1 week ago—the date I introduced this legislation—Major Griffin of Cincinnati passed away surrounded by family and friends. His family lost a loved one, our Nation lost a hero.

The remaining four Raiders will be commemorating the 71st anniversary of this raid this coming April in Fort Walton Beach, FL. Now is the time to award these survivors the Congressional Medal. Their valor, their skill, their courage proved invaluable to the morale of our country on that day more than 70 years ago and the eventual defeat of Japan in the Second World War. These men continue to remind us of the quiet determination and that uncommon valor in the face of sheer danger.

I humbly ask my colleagues to join us in this bill in honoring the Doolittle Raiders.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

#### OIL AND GAS INDUSTRY

Mr. INHOFE. Madam President, since being elected, President Obama has been talking about the virtues of our Nation's potential to achieve domestic energy independence. In his State of the Union Message just a short time ago he said: "After years of talking about it, we are finally poised to control our own energy future."

This is something I have been saying now for years. We already have control over our energy future. The problem is we have an administration that has not allowed us to exploit our own capabilities in terms of developing the natural

resources we have. In fact, we are the only country in the world that doesn't develop its own resources.

In fact, in each of the President's budgets he has proposed to kill certain tax provisions specific to the oil and gas industry. Even though he says these are subsidies for the oil and gas industry, that is not the case.

I would like to mention these because no one ever talks about the fact that he has specific provisions in his own budget. I will mention just three of them.

Intangible drilling costs—called IDCs. This is a provision that simply allows producers to deduct from their revenue the cost of drilling. You pay taxes on net revenue. So this is net of the expenses it takes to develop the revenue. Every business is allowed to deduct ordinary and necessary business expenses, and IDCs are exactly that for the oil and gas industry.

In other words, the cost of drilling should be deducted because a lot of times they drill and don't produce anything. So this is something everyone else has and we should be having also in the oil industry. If the President gets rid of these, the tax increase would be \$13.9 billion over the 10-year period we have been talking about. This is interesting because that is not a tax that would be paid by them. It would go into the increased cost of energy. But we stopped that. We stopped that provision from becoming a reality, even though it was in the President's budget.

The second is called percentage depletion. Percentage depletion is simply a way the Tax Code has allowed oil and gas producers to account for the reduction in the value of their reserves. Let's say they are fortunate and they produced oil that is going to be income that will go to them. As that is depleted, the value of that has been depleted also.

Percentage depletion has been on the books as long as we have had the industry. If the President were successful in doing away with the percentage depletion, that would mean about an \$11.5 billion tax increase on the energy we use in this country.

The last one I will mention—and there are actually two more—is called section 199. Section 199 is the manufacturer's tax deduction. It allows all manufacturers, including farmers, filmmakers, and the rest of them to take a small deduction in their taxes because they create products here in America. The President has always proposed canceling this out but only for the oil and gas industry and not for anybody else. Everybody else would have that same advantage.

Again, if the President were successful in doing this, it would increase the cost of energy by \$11.6 billion over that 10-year period. The President's proposal to increase these taxes would prevent the industry from reaching its true potential, despite the fact of what we have out there and what we could

do and how we could get it done today real quickly.

A recent CRS—Congressional Research Service—report stated that the United States has the largest combined resources in oil, natural gas, and coal of any country in the world. We have more than Saudi Arabia, China, and Canada combined. Yet we are the only Nation, as I said, in the world that doesn't allow ourselves to exploit our own resources.

Fortunately, oil and gas activities have increased over the past years. As much as the President may want to claim credit for this, he has no standing to do so because, as I mentioned, the tax provisions he has proposed in his budget have been very negative toward oil and gas. Last year we hit a 15-year high in oil production, producing an average of 6.4 million barrels a day, which was 800,000 barrels per day more than in 2011.

This increase is staggering and it is the result of the amazing advancements in oil and gas production technologies—things such as horizontal drilling and hydraulic fracturing. These are things that have helped us get the oil and gas out of tight formations.

Nearly all of this increase has occurred on State and private lands. CRS confirmed 1 year ago that "about 96 percent of the increase [in oil and gas production] since 2007 took place on non-Federal lands." That is critical, because as I have said twice already, we are the only country that doesn't develop its own resources. This means that is beyond the reach of the President's hands. In other words, he can't stop the private land production but he can the public land.

Adding to that—and this was just released yesterday, which is why I wanted to make this point today—the oil production on all Federal lands, including onshore and offshore, declined last year for the second year in a row, falling from 632 million barrels in 2011 to right at 600 million barrels in 2012. So the 800,000 barrels-per-day increase we saw last year took place solely on private lands, none of it on public lands.

During this boom time we are having right now, on that which the President has control over—the Federal lands—we have actually had a reduction. This makes sense, given what we know about oil and gas permitting on Federal lands. It still take 300 days to get a permit to drill.

This is something you can't talk about too much because they would always say: In a certain case, you need to do it faster. In my State of Oklahoma, you can get it done in hours. In North Dakota, you can get permitting done in an average of about 10 days. But no, it is 300 days on Federal lands.

I have a friend named Harold Hamm. He is arguably the most successful independent producer in America today. He is from Enid, OK. He does most of his production in North Dakota right now. I saw just a moment