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Senate

The Senate met at 10 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

PRAYER

The PRESIDING OFFICER. Today's opening prayer will be offered by Rev. Don Duncan, Senior Chaplain of Oklahoma Jail & Prison Ministries and Chaplain of the Oklahoma County Sheriff's Office.

The guest Chaplain offered the following prayer:

Let us pray.

Father, as we pause to seek Your divine guidance, I pray for Your presence, wisdom, and divine protection to be bestowed upon these Senators, their families, their staffs, and all those who have committed their lives in service to our country. I pray Your guidance through eternal principles in all discussions and final decisions. I pray for that which is honorable both in Your sight and in the heart of each citizen. When a conclusion is reached, may peace abide throughout this Chamber and throughout this land.

We pray this through the Name of Jesus. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 16, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following any leader remarks, the Senate will resume consideration of S. 782, which is the Economic Development Revitalization Act, with 4 hours of debate on the Feinstein and McCain amendments. At about 2 p.m., there will be two rollcall votes in relation to the Feinstein and McCain amendments. Each amendment will have a 60-vote threshold.

OIL SUBSIDIES

Mr. REID. Mr. President, I am happy to see the Republicans opening up to what Democrats have been saying all along—that cutting wasteful subsidies to Big Oil should be on the table if we are going to reduce the deficit. Yesterday, my friend, the senior Senator from Tennessee, said he would consider ending taxpayer subsidies for oil companies making record profits. I congratulate my friend, the senior Senator from Tennessee. Democrats agree. Handouts such as these to companies that made \$36 billion in the first quarter of this year alone must be part of the discussion if we are going to get our fiscal house in order.

As we decide where to cut, we will need to make some tough choices, but not every choice has to be difficult. If we are serious about reducing spending, ending tens of billions in taxpayer giveaways to big oil companies shouldn't be one of the difficult decisions we have to make.

When the other side says the alternative is to end Medicare, slash Medicaid, and put millions of seniors at risk, the choice is that much clearer. We cannot take with one hand from those who can least afford it and give with the other hand to those who can. Before we end Medicare as we know it or eliminate Medicaid funding for nursing homes, as the Republicans have proposed, we should cut wasteful spending. During the course of a year, one in five Americans will be on Medicaid. The cuts the Republicans propose will affect real people—the elderly man in the nursing home, for example; the child missing her yearly checkup, as an example; the pregnant woman, as an example, whose baby depends on proper prenatal care; or the person with a disability, for example, who is able to live alone thanks to the helping hand Medicaid provides. These cuts will affect everyone else too. Cutting Medicaid simply shifts costs; it doesn't lower costs. Each patient who doesn't get the care he or she needs from a doctor today will get it tomorrow at three times the price in an emergency room, and we will all foot that bill.

The American people have spoken loudly and clearly. They do not want to balance the budget on the backs of seniors, children, or the disabled. I am glad to see at least one of my Republican colleagues courageously breaking from the pack.

Mr. President, would the Chair now announce whatever the business of the day is.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

ECONOMIC DEVELOPMENT
REVITALIZATION ACT OF 2011

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 782, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 782) to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes.

Pending:

DeMint amendment No. 394, to repeal the Dodd-Frank Wall Street Reform and Consumer Protection Act.

Paul amendment No. 414, to implement the President's request to increase the statutory limit on the public debt.

Cardin amendment No. 407, to require the FHA to equitably treat home buyers who have repaid in full their FHA-insured mortgages.

Merkley/Snowe amendment No. 428, to establish clear regulatory standards for mortgage servicers.

Kohl amendment No. 389, to amend the Sherman Act to make oil-producing and exporting cartels illegal.

Hutchison amendment No. 423, to delay the implementation of the health reform law in the United States until there is final resolution in pending lawsuits.

Portman amendment No. 417, to provide for the inclusion of independent regulatory agencies in the application of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1501 et seq.).

Portman amendment No. 418, to amend the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1501 et seq.) to strengthen the economic impact analyses for major rules, require agencies to analyze the effect of major rules on jobs, and require adoption of the least burdensome regulatory means.

McCain amendment No. 411, to prohibit the use of Federal funds to construct ethanol blender pumps or ethanol storage facilities.

McCain amendment No. 412, to repeal the wage rate requirements commonly known as the Davis-Bacon Act.

Merkley amendment No. 440, to require the Secretary of Energy to establish an Energy Efficiency Loan Program under which the Secretary shall make funds available to States to support financial assistance provided by qualified financing entities for making qualified energy efficiency or renewable efficiency improvements.

Coburn modified amendment No. 436, to repeal the volumetric ethanol excise tax credit.

Brown (MA)/Snowe amendment No. 405, to repeal the imposition of withholding on certain payments made to vendors by government entities.

Inhofe amendment No. 430, to reduce amounts authorized to be appropriated.

Inhofe amendment No. 438, to provide for the establishment of a committee to assess the effects of certain Federal regulatory mandates.

Merkley amendment No. 427, to make a technical correction to the HUBZone designation process.

McCain amendment No. 441 (to Coburn modified amendment No. 436), to prohibit the use of Federal funds to construct ethanol blender pumps or ethanol storage facilities.

Reid (for Feinstein/Coburn) amendment No. 476, to repeal the volumetric ethanol excise tax credit.

AMENDMENTS NOS. 476 AND 411

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 4 hours of debate equally divided and controlled between the two leaders or their designees on amendment No. 476, offered by the Senator from California, Mrs. FEINSTEIN, and amendment No. 411, offered by the Senator from Arizona, Mr. MCCAIN.

Mr. REID. Mr. President, noting there is no one on the floor, I suggest the absence of a quorum, and I ask unanimous consent that during the quorum the time be equally divided.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mrs. FEINSTEIN. Mr. President, I rise in support of the Ethanol Subsidy and Tariff Repeal Act, which Senator COBURN and I are offering as an amendment to pending legislation. The other cosponsors on this amendment are Senator WEBB and Senator COLLINS. This is identical to a bill that we have submitted. On that bill there are more cosponsors. They are COBURN, CARDIN, WEBB, CORKER, LIEBERMAN, COLLINS, SHAHEEN, BURR, RISCH, and TOOMEY.

I want to have the record straight that this amendment is in response to a bill which we have crafted. On Tuesday the Senate voted on the proposal but unfortunately we saw a process battle, which I spoke to on the floor, which I think overwhelmed, in some respects, the debate. That is not the case today. There are ongoing negotiations to see if it is possible to put together a solution which can bring all sides together on this amendment that we will be voting on at 2 o'clock. Thus far we do not have an agreement. However, at least one of our cosponsors of this has said to me—this is Senator WEBB—that he would very much appreciate a straight up-or-down vote on Coburn-Feinstein so we know exactly where the Senate stands. It is still possible, even after that cloture vote, if we can reach a successful conclusion to the negotiation that we could have another vote and change that.

Today, this is the first vote that the Senate has taken based on the merits of repealing the ethanol subsidy and tariff. In a nutshell, let me give the reasons. I know of no other product in the United States that has a triple crown of benefits: It is a mandate: oil companies must buy this ethanol; there is a subsidy: oil companies are paid for buying this substance; and this substance known as corn ethanol is protected by a protective tariff which prevents other nations, such as Brazil, from importing ethanol which actually has more beneficial environmental effects.

As a matter of fact, corn ethanol is the least environmentally proficient form of ethanol. Everything else is better than corn; cellulosic is better, algae is better, and sugar is better. The bottom line is we have a triple crown of subsidy, mandate, and protective tariff on the least effective, least environmentally sound ethanol there is.

More importantly, corn ethanol is now used to such an extent that it is having a major impact on food commodity prices and in particular on feed prices. This is particularly true in the poultry industry. I will get to that in a few minutes.

I do want to thank Senators KLOBUCHAR and THUNE for good-faith efforts to try to reach a compromise. As part of this compromise, at least from my point of view, a substantial amount of the revenue must be used to reduce the debt and deficit in addition to eliminating wasteful ethanol subsidies and tariffs. These negotiations have been ongoing since Tuesday. We have not yet reached an agreement. The vote at 2 o'clock will not end these talks. I am perfectly willing to continue to talk but I do think it is important that we have a clean up-or-down vote on the Coburn-Feinstein amendment.

The issue at hand is a simple issue. The subsidy given to these oil companies costs taxpayers billions of dollars every year and the tariff actually has the effect of making us more dependent on foreign oil. Let me explain. In 2005, the ethanol subsidy cost taxpayers \$1.5 billion. This year that number is nearly \$6 billion. In just 6 years it has gone from a cost of \$1.5 billion to a cost of nearly \$6 billion. There is a reason for it, and I will get to that in a moment, but since 2005, the total cost of this subsidy has been \$22.6 billion.

Here is the increase every year: \$1.5 billion in 2005; 2006, \$2.6 billion; 2007, \$3.3 billion; 2008, \$4.4 billion; 2009, \$5.2 billion; 2010, \$5.7 billion; and the all-time high in these last 2 years of \$5.7 billion.

However, it continues to rise. The proposal that has been made for an extension to 2015, by some, would cost another \$31 billion.

Let me be clear. The subsidy is wasteful and duplicative. It does very little to promote the use of ethanol which oil companies already must use under current law. The renewable fuels standard dictates oil companies use 14 billion gallons of biofuels this year, 20.5 billion gallons by 2015, to 36 billion gallons by 2022.

These volumes, by law, increase every year. It more than doubles by 2022. It is that doubling in volume that will ultimately cost us; we are currently paying oil companies to follow this law.

Let me speak briefly about the tariff. The 54-cent-per-gallon tariff on ethanol imports makes our Nation more dependent on foreign oil. The tariff acts as a trade barrier, placing clean sugarcane ethanol imports from friendly nations at a competitive disadvantage to