

The assistant legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until 2:15 p.m.

Thereupon, at 12:30 p.m., the Senate recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. WEBB).

AGRICULTURE REFORM, FOOD, AND JOBS ACT OF 2012

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 3240, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 3240) to reauthorize the agriculture programs through 2017, and for other purposes.

Pending:

Reid (for Stabenow/Roberts) amendment No. 2389, of a perfecting nature.

Reid amendment No. 2390 (to amendment No. 2389), to change the enactment date.

Reid motion to recommit the bill to the Committee on Agriculture, Nutrition, and Forestry, with instructions, Reid amendment No. 2391, of a perfecting nature.

Reid amendment No. 2406 (to (the instructions) amendment No. 2391), to eliminate certain working lands conservation programs.

Reid amendment No. 2407 (to amendment No. 2406), to convert all mandatory spending to discretionary spending subject to annual appropriations.

The PRESIDING OFFICER. Under the previous order, the motion to recommit and amendment No. 2390 are withdrawn and a Stabenow-Roberts amendment No. 2389 is agreed to.

The Senator from Michigan.

AMENDMENT NO. 2440

Ms. STABENOW. Mr. President, I ask unanimous consent that we have 2 minutes of debate equally divided prior to the vote on the first Akaka amendment, No. 2440.

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

The Senator from Hawaii.

Mr. AKAKA. Mr. President, I rise today to speak in favor of amendment No. 2440 to the farm bill. This amendment would improve implementation of an existing program at USDA which provides loans to purchasers of highly fractionated Indian lands.

One unfortunate legacy of policies of the late 1800s is that many Indian lands are highly fractionated. This means that one parcel of land might have hundreds or even thousands of owners. Highly fractionated parcels make putting these Indian lands to viable use virtually impossible. This goes against any well-established Federal Indian policies encouraging the productive use of Indian lands.

As chair of the Committee on Indian Affairs, I have worked with the USDA and stakeholders to craft this amendment to improve agricultural land use for tribal governments and individual Indians. I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Kansas.

Mr. ROBERTS. This is a technical amendment. I rise in support of it, and I yield back the remainder of my time.

Mr. AKAKA. Mr. President, I call up my amendment and speak in favor of amendment No. 2396, a bipartisan amendment Senator THUNE and I are offering to the farm bill.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, if I might take a moment, I believe we want to first dispose of the Akaka amendment No. 2440. Our ranking member has indicated no opposition, so at this point I would ask that we proceed, unless there is a reason not to do so.

On behalf of Senator AKAKA, I call up amendment No. 2440 and ask that we proceed with a voice vote.

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

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Hawaii [Mr. AKAKA] proposes an amendment numbered 2440.

The amendment is as follows:

(Purpose: To improve a provision relating to loans to purchasers of highly fractionated land)

Strike section 5102 and insert the following:

SEC. 5102. LOANS TO PURCHASERS OF HIGHLY FRACTIONATED LAND.

(a) IN GENERAL.—The first sentence of Public Law 91-229 (25 U.S.C. 488) is amended—

(1) in subsection (a), in the first sentence, by striking “loans from” and all that follows through “1929” and inserting “direct loans in a manner consistent with direct loans pursuant to chapter 4 of subtitle A of the Consolidated Farm and Rural Development Act”;

(2) in subsection (b)(1)—

(A) by striking “pursuant to section 205(c) of the Indian Land Consolidation Act (25 U.S.C. 2204(c))”; and

(B) by inserting “or to intermediaries in order to establish revolving loan funds for the purchase of highly fractionated land under that section” before the period at the end; and

(3) by adding at the end the following:

“(c) CONSULTATION REQUIRED.—In determining regulations and procedures to define eligible purchasers of highly fractionated land under this section, the Secretary of Agriculture shall consult with the Secretary of the Interior.”

(b) RELATIONSHIP TO OTHER AMENDMENT.—Section 6002 is amended by striking subsection (bb).

Ms. STABENOW. Mr. President, I ask unanimous consent that we proceed with a voice vote.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 2440) was agreed to.

The Senator from Hawaii.

AMENDMENT NO. 2396

Mr. AKAKA. I rise today to speak in favor of amendment No. 2396, a bipartisan amendment Senator THUNE and I are offering to the farm bill. This amendment would make permanent the Office of Tribal Relations at the USDA.

This office was created to ensure that the USDA upholds Federal Indian policy and maintains its government-to-government relationship with tribes. Permanently establishing this office will ensure that tribal governments can develop their programs in parity with their neighbors in rural America. It will ensure that the USDA consults with tribal governments and that tribes can participate in programs related to agricultural, infrastructure, and economic development opportunities.

I encourage all my colleagues to support this bipartisan amendment to the farm bill.

I thank the Chair, I yield back the remainder of my time, and I call up amendment No. 2396.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Hawaii [Mr. AKAKA] proposes an amendment numbered 2396.

Mr. AKAKA. I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To establish the Office of Tribal Relations in the Office of the Secretary of Agriculture)

On page 1009, after line 11, add the following:

SEC. 12207. OFFICE OF TRIBAL RELATIONS.

(a) IN GENERAL.—Title III of the Department of Agriculture Reorganization Act of 1994 is amended by adding after section 308 (7 U.S.C. 3125a note; Public Law 103-354) the following:

“SEC. 309. OFFICE OF TRIBAL RELATIONS.

“The Secretary shall establish in the Office of the Secretary an Office of Tribal Relations.”

(b) CONFORMING AMENDMENTS.—Section 296(b) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 7014(b)) (as amended by section 12201(b)) is amended—

(1) in paragraph (8), by striking “or” at the end;

(2) in paragraph (9), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following:

“(10) the authority of the Secretary to establish in the Office of the Secretary the Office of Tribal Relations in accordance with section 309.”

The PRESIDING OFFICER. Who yields time in opposition?

Mr. ROBERTS. Mr. President, this amendment makes permanent the current Office of Tribal Relations with the Department of Agriculture, and that is very important in terms of outreach for Native American farmers and ranchers.

We have no objection, and I yield back the remainder of my time.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 2396) was agreed to.

The PRESIDING OFFICER. The Senator from New Hampshire.

AMENDMENT NO. 2192

Ms. AYOTTE. Mr. President, I call up Ayotte amendment No. 2192.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from New Hampshire proposes an amendment numbered 2192.

(The amendment is printed in the RECORD of Thursday, June 7, 2012 under "Text of Amendments.")

The PRESIDING OFFICER. There is now 2 minutes of debate equally divided.

The Senator from New Hampshire.

Ms. AYOTTE. Mr. President, my amendment seeks to reform the value-added grant program. The USDA has awarded \$240 million in grants over the lifetime of this program, but the USDA has not been transparent and has failed to adequately account for the grants and how they are awarded.

The last assessment of this program was in 2006 and indicated that more than 40 percent of the grant recipients went out of business just 3 years after having completed their grant project. My amendment would allow the program to go forward, but it would reform this program to be more accountable to taxpayers.

The program has awarded 62 grants totaling \$12.1 million to ethanol facilities. It does eliminate grants to ethanol facilities. We should not be wasting further taxpayer dollars to give to ethanol producers when we have already given them so many taxpayer opportunities here.

At least 105 wine industry groups and wineries have received \$10.5 million.

The PRESIDING OFFICER. The Senator's time has expired.

Ms. AYOTTE. Mr. President, I would just say this is a good amendment for taxpayers to reform this program and make it accountable.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, unfortunately, I would urge my colleagues to vote no on this amendment. It cuts in half funding for a program that helps food entrepreneurs—small businesses and farmers who want to create new kinds of products and to commercialize them and get them to the marketplace.

This is really what we are trying to do—to leverage more dollars in this bill to support not only the farmer on the farm but also to move into commercialization and to create new food products and jobs. In fact, we have created hundreds of jobs at wineries. We have done this all across the country—created jobs by helping small businesses and entrepreneurs to take a great idea and to move it to commercialization and add value to their product.

I would strongly urge a "no" vote, and I would ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

All time has expired.

The question is on agreeing to the amendment. The clerk will call the roll.

The legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

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

The result was announced—yeas 38, nays 61, as follows:

[Rollcall Vote No. 123 Leg.]

YEAS—38

Alexander	Enzi	Murkowski
Ayotte	Graham	Paul
Barrasso	Hatch	Portman
Boozman	Heller	Risch
Brown (MA)	Hutchison	Rubio
Burr	Inhofe	Sessions
Chambliss	Isakson	Shelby
Coats	Johnson (WI)	Snowe
Coburn	Kyl	Thune
Corker	Lee	Toomey
Cornyn	Manchin	Vitter
Crapo	McCain	Wicker
DeMint	McConnell	

NAYS—61

Akaka	Grassley	Murray
Baucus	Hagan	Nelson (NE)
Begich	Harkin	Nelson (FL)
Bennet	Hoeven	Pryor
Bingaman	Inouye	Reed
Blumenthal	Johanns	Reid
Blunt	Johnson (SD)	Roberts
Boxer	Kerry	Rockefeller
Brown (OH)	Klobuchar	Sanders
Cantwell	Kohl	Schumer
Cardin	Landrieu	Shaheen
Carper	Lautenberg	Stabenow
Casey	Leahy	Tester
Cochran	Levin	Udall (CO)
Collins	Lieberman	Udall (NM)
Conrad	Lugar	Warner
Coons	McCaskill	Webb
Durbin	Menendez	Whitehouse
Feinstein	Merkley	Wyden
Franken	Mikulski	
Gillibrand	Moran	

NOT VOTING—1

Kirk

The amendment (No. 2192) was rejected.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, for the benefit of all Senators—if I could have the attention of the Senate—we have before us why we are here. This was very difficult, to get to the point we are now, where we have a very important bill. We do these every 5 years. Senators Stabenow and Roberts have worked very hard to get us to this point. I congratulate them both, but we have a long way to go.

First of all, everyone understand all the next votes will be 10-minute votes. That means at the end of 15 minutes we are going to cut off the vote. It doesn't matter if a Democrat is missing or Republican is missing; it does not matter. If it is a close vote, we always are careful with that, we understand, but let's understand when the time is up, we are going to turn in the vote.

Second, I have instructed all of the presiders, we are going to have 1-minute speeches—1 minute for Demo-

crats, 1 minute for Republicans. When the time is up, the time is going to end so everyone will be treated the same. We have 73 amendments we have to work through. We have a lot to do the rest of this week, but this is important. No. 1, we are going to keep the vote. I have an important meeting at 4 o'clock. I have instructed my staff, if I am not here I will not be counted. That is what we have to do. If you have important meetings, you might have to miss a vote or two.

Second, I repeat, we will have 2 minutes equally divided before each vote, and it will be 2 minutes.

AMENDMENT NO. 2429

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. Mr. President, I call up amendment No. 2429.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Montana [Mr. TESTER], for Mr. BAUCUS, for himself and Mr. TESTER, proposes an amendment numbered 2429.

Mr. TESTER. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To improve the livestock forage disaster program)

On page 128, between lines 16 and 17, insert the following:

(iii) ANNUAL PAYMENT BASED ON DROUGHT CONDITIONS DETERMINED BY MEANS OTHER THAN THE U.S. DROUGHT MONITOR.—

(I) IN GENERAL.—An eligible livestock producer that owns grazing land or pastureland that is physically located in a county that has experienced on average, over the preceding calendar year, precipitation levels that are 50 percent or more below normal levels, according to sufficient documentation as determined by the Secretary, may be eligible, subject to a determination by the Secretary, to receive assistance under this paragraph in an amount equal to not more than 1 monthly payment using the monthly payment rate under subparagraph (B).

(II) NO DUPLICATE PAYMENT.—A producer may not receive a payment under both clause (i) and this clause.

Mr. TESTER. Mr. President, I urge my colleagues to support the Baucus-Tester amendment No. 2429. The Baucus-Tester amendment fixes a problem in the livestock forage program to make sure that ranchers who suffer losses in their herds because of drought are able to get the help they need. If you are in grass-based agriculture, folks, for those ranchers the grass is the heartbeat of your operation. If you do not have it, you cannot survive. It was critical this last year when record droughts devastated the Southwest. Wild fires burned more than 2 million acres in Texas.

This program has moved into title I of the farm bill. This amendment fixes a problem we have seen in one of those programs. I urge my colleagues to support this amendment.

The PRESIDING OFFICER. Who yields time in opposition?

The Senator from Michigan.

Ms. STABENOW. Mr. President, can we proceed with a voice vote on this amendment?

Mr. ROBERTS. Mr. President, I know of no objection at this point. I yield the remainder of our time.

The PRESIDING OFFICER. All time is yielded back.

The question is on agreeing to amendment No. 2429.

The amendment was agreed to.

AMENDMENT NO. 2190, AS MODIFIED

Ms. STABENOW. Mr. President, it is my understanding we are ready with the amendment of Senator SNOWE. I ask she be the next amendment in order.

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

The Senator from Maine.

Ms. SNOWE. I call up amendment No. 2190.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows.

The Senator from Maine (Ms. SNOWE), for herself and Mrs. GILLIBRAND, proposes an amendment numbered 2190.

Ms. SNOWE. I ask unanimous consent that amendment 2190 be modified with the changes I am sending to the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment, as modified, is as follows.

(Purpose: To require Federal milk marketing order reform)

At the end of part III of subtitle D of title I, insert the following:

PART IV—FEDERAL MILK MARKETING ORDER REFORM

SEC. 1481. FEDERAL MILK MARKETING ORDERS.

(a) AMENDMENTS.—The Secretary shall provide an analysis on the effects of amending each Federal milk marketing order issued under section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937 (in this part referred to as a “milk marketing order”), as required by this section.

(b) USE OF END-PRODUCT PRICE FORMULAS.—In carrying out subsection (a), the Secretary shall—

(1) consider replacing the use of end-product price formulas with other pricing alternatives; and

(2) submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the findings of the Secretary on the impact of the action considered under paragraph (1).

The PRESIDING OFFICER. There is now 2 minutes of debate equally divided.

The Senator from Maine.

Ms. SNOWE. Mr. President, I rise in strong support of this amendment I have offered along with Senator GILLIBRAND of New York on a bipartisan basis. I thank the Chair and ranking member for working with us on the modifications in support of this amendment.

The underlying bill establishes a margin insurance program that helps

very large dairy producers but provides little assistance to small family-owned dairy producers who have exponentially fewer cows and do not produce the surplus amounts of milk. Without this amendment, these small dairy farmers face possible extinction due, in part, to the excessive price volatility. The prices in Europe influence the price our farmers right here at home receive from the government.

This amendment will help resolve this inequity by requiring the Department of Agriculture to provide an analysis on the effects of amending each Federal milk marketing order and deciding how best to update the system of Federal orders, which is now 12 years old. I hope we will adopt this amendment.

The PRESIDING OFFICER. Who yields time?

Ms. STABENOW. Mr. President, I support this amendment and yield the remainder of our time. It is my understanding we can proceed with a voice vote on this amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to amendment No. 2190, as modified.

Those in favor, say aye.

(Chorus of ayes.)

All opposed, no.

(Chorus of nays.)

The PRESIDING OFFICER. The nays appear to have it.

All those in favor, say aye.

(Chorus of ayes.)

All those opposed, no.

(Chorus of nays.)

The PRESIDING OFFICER. The nays appear to have it.

Ms. STABENOW. I ask for a record rollcall.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

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

The result was announced—yeas 66, nays 33, as follows:

[Rollcall Vote No. 124 Leg.]

YEAS—66

Akaka	Grassley	Murkowski
Ayotte	Hagan	Murray
Baucus	Harkin	Nelson (FL)
Begich	Hatch	Portman
Bingaman	Inouye	Pryor
Blumenthal	Kerry	Reed
Brown (MA)	Klobuchar	Reid
Brown (OH)	Landrieu	Roberts
Cantwell	Lautenberg	Rockefeller
Cardin	Leahy	Rubio
Carper	Lee	Sanders
Casey	Levin	Schumer
Coburn	Lieberman	Sessions
Cochran	Manchin	Shaheen
Collins	McCain	Shelby
Conrad	McCaskill	Snowe
Coons	McConnell	Stabenow
Corker	Menendez	Tester
Franken	Merkley	
Gillibrand	Mikulski	
Graham	Moran	

Toomey	Vitter	Webb
Udall (NM)	Warner	Whitehouse

NAYS—33

Alexander	DeMint	Johnson (WI)
Barrasso	Durbin	Kohl
Bennet	Enzi	Kyl
Blunt	Feinstein	Lugar
Boozman	Heller	Nelson (NE)
Boxer	Hoeben	Paul
Burr	Hutchison	Risch
Chambliss	Inhofe	Thune
Coats	Isakson	Udall (CO)
Cornyn	Johanns	Wicker
Crapo	Johnson (SD)	Wyden

NOT VOTING—1

Kirk

The amendment (No. 2190), as modified, was agreed to.

The PRESIDING OFFICER. The Senator from New Mexico.

AMENDMENT NO. 2364 WITHDRAWN

Mr. BINGAMAN. Mr. President, let me speak for a moment with regard to amendment No. 2364 that Senator HUTCHISON and I had intended to offer. We have been in consultation with the managers of the legislation. They have agreed to some changes in the report language that accommodate our concern.

Our concern is about water conservation and ensuring that water conservation, particularly in the arid West but in any part of the country where there are underground aquifers and wherever there is depletion of water supplies that is going to make farming and agricultural activities impossible in the future. The managers have agreed to some changes in the report language that accommodate our concerns. They have agreed to a colloquy that accommodates our concerns. Accordingly, we will not proceed with the amendment.

Before I withdraw the amendment, could I ask Senator HUTCHISON to make any comments she would like to make.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I appreciate the sponsors of the bill working with us. Just as an example, the Ogallala Aquifer has gone down 100 feet since irrigation has been allowed from this water source. It is a source for cities such as the city of San Antonio and other cities around New Mexico and Texas. That is just one example. It is happening all over our country. So conservation has to be a part of keeping our farms and ranches alive, and that is the purpose of the amendment.

We appreciate the managers working with us and hope we can go forward and highlight the importance of conservation to keep our water resources for our farmers and ranchers.

WATER CONSERVATION IN MULTI-STATE AQUIFERS

Mr. BINGAMAN. Mr. President, I rise to discuss the Ogallala Aquifer—also known the High Plains Aquifer—region, an area that is impacted on a daily basis by groundwater pumping for agriculture. In fact, that region leads the Nation in the amount of groundwater pumped for irrigation purposes, with some 17 billion gallons per day being withdrawn for irrigation. I

have for many years been concerned about the rapid groundwater depletion occurring in the southern portion of that aquifer. There are parts of the Ogallala underlying New Mexico that have seen a decline in water levels of more than 150 feet since groundwater pumping for agriculture first started.

Mrs. HUTCHISON. Mr. President, I share the concern of the Senator from New Mexico. A large area in western Texas overlies the Ogallala Aquifer as well. We, too, have seen alarmingly high levels of groundwater depletion. Water is a precious resource in our part of the country, and the Ogallala is a major source of water for agriculture, our communities, and industrial development.

Mr. BINGAMAN. I understand that the bill before the Senate will make resources available to address the problem of the declining groundwater resources in the Ogallala. It would be helpful to my colleague from Texas and me if the chairwoman and ranking member of the Agriculture Committee could confirm our understanding on certain aspects of the bill. First, am I correct that substantial funds under the Environmental Quality Incentive Program, EQIP, will continue to be made available for practices that result in the conservation of groundwater, including the use of more efficient irrigation systems and conversion to less water-intensive crops or dryland farming, which may, within the discretion of the Secretary of Agriculture, include long-term grassland rotation?

Ms. STABENOW. Yes, the Senator is correct.

Mrs. HUTCHISON. I understand that the Regional Conservation Partnership Program is intended to address water quantity as well as water quality issues, so funding under the program could be directed to address situations where high historic levels of groundwater depletion have occurred due to agricultural use. Is that correct?

Mr. ROBERTS. Yes, that is correct.

Mr. BINGAMAN. With respect to the designation of critical conservation areas under section 2401 of the bill, I would encourage USDA to look to areas where they already have initiatives in place addressing the area. I understand that any funding under this program would be in addition to funding that would otherwise be available to the region under any other provision of the bill. Finally, it is my expectation and understanding that in determining whether an area would be designated as a critical conservation area and in determining the level of funding to be directed to the area, the Secretary would carefully consider areas where continued agricultural activities are threatened by groundwater depletion.

Ms. STABENOW. The Senator is correct in his understanding.

Mr. ROBERTS. I agree.

Mrs. HUTCHISON. I thank the chairwoman and ranking member.

Mr. BINGAMAN. I thank them as well.

Mr. President, in light of the comments we have just made, we will not call up the amendment.

The managers can go to the next amendment.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, if I may take a moment to thank Senator BINGAMAN and Senator HUTCHISON. Both New Mexico and Texas have strong and passionate advocates. They are lucky to have them, and we are looking forward to working with them to make sure the issues they have raised are addressed.

Also, just for those following along in order, I would just indicate that Senator COLLINS, in light of the passage of the Snowe amendment, will not be proceeding with her amendment, just for the information of the Senate.

The PRESIDING OFFICER. The Senator from Iowa.

AMENDMENT NO. 2167

Mr. GRASSLEY. Mr. President, I call up my marketing loan amendment, amendment No. 2167.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY] proposes an amendment numbered 2167.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide payment limitations for marketing loan gains and loan deficiency payments)

On page 140, strike line 1 and insert the following:

(b) LIMITATION ON MARKETING LOAN GAINS AND LOAN DEFICIENCY PAYMENTS FOR PEANUTS AND OTHER COVERED COMMODITIES.—Section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308) is amended by striking subsection (d) and inserting the following:

“(d) LIMITATION ON MARKETING LOAN GAINS AND LOAN DEFICIENCY PAYMENTS FOR PEANUTS AND OTHER COVERED COMMODITIES.—The total amount of marketing loan gains and loan deficiency payments received, directly or indirectly, by a person or legal entity (except a joint venture or general partnership) for any crop year under subtitle B of the Agriculture Reform, Food, and Jobs Act of 2012 (or a successor provision) for—

“(1) peanuts may not exceed \$75,000; and

“(2) 1 or more other covered commodities may not exceed \$75,000.”.

(c) CONFORMING AMENDMENTS.—

On page 143, line 9, strike “(c)” and insert “(d)”.

Mr. GRASSLEY. Mr. President, I tried to get this amendment adopted in the 2008 farm bill. It got 57 votes, but it was under a 60-vote rule, so obviously it did not get adopted.

This amendment would cap payments that one farmer can get on marketing loans and loan deficiency payments. We cannot have 70 percent of the farm payments going to 10 percent of the largest farmers.

I think this amendment will help add integrity to the program. We should have caps on title I commodity programs. This will add defensibility to this bill, along with the payment limit reforms we were able to put in in the committee before the bill was voted out.

Opponents will argue—I am sure you will hear this argument—that this would increase forfeitures of crop. But I believe they are overstating that issue, especially given current prices. And even if a farmer did forfeit crop—

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GRASSLEY. Well, this is a commonsense amendment. I hope you will vote for it.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I rise in opposition to this amendment. Limiting MLGs and LDPs is disruptive to orderly marketing because USDA lacks the ability in real time to track eligibility. Consequently, a producer may exceed his loan limit under this amendment and USDA have no idea he has exceeded his loan limit, so he is going to have to come back later on and obviously repay that in very difficult times.

Most farming operations secure financing for annual production costs as well as incur long-term debt for equipment and land. Introducing limits on marketing loan benefits makes this financing more difficult to obtain and more difficult to administer from a farmer's standpoint as well as a banking standpoint.

I urge opposition to the amendment. The PRESIDING OFFICER. The question is on agreeing to the amendment.

Ms. STABENOW. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

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

The result was announced—yeas 75, nays 24, as follows:

[Rollcall Vote No. 125 Leg.]

YEAS—75

Akaka	Cantwell	Enzi
Alexander	Cardin	Feinstein
Ayotte	Carper	Franken
Barrasso	Casey	Gillibrand
Baucus	Coats	Grassley
Begich	Coburn	Harkin
Bennet	Collins	Hatch
Bingaman	Coons	Heller
Blumenthal	Corker	Inouye
Boxer	Crapo	Johanns
Brown (MA)	DeMint	Johnson (SD)
Brown (OH)	Durbin	Kerry

Klobuchar	Merkley	Rubio
Kohl	Mikulski	Schumer
Kyl	Murkowski	Shaheen
Lautenberg	Murray	Snowe
Lee	Nelson (NE)	Stabenow
Levin	Nelson (FL)	Tester
Lieberman	Paul	Thune
Lugar	Portman	Toomey
Manchin	Reed	Udall (CO)
McCain	Reid	Udall (NM)
McCaskill	Risch	Webb
McConnell	Roberts	Whitehouse
Menendez	Rockefeller	Wyden

NAYS—24

Blunt	Hagan	Moran
Boozman	Hoeven	Pryor
Burr	Hutchison	Sanders
Chambliss	Inhofe	Sessions
Cochran	Isakson	Shelby
Conrad	Johnson (WI)	Vitter
Cornyn	Landrieu	Warner
Graham	Leahy	Wicker

NOT VOTING—1

Kirk

The amendment (No. 2167) was agreed to.

AMENDMENT NO. 2445

Mr. BROWN of Ohio. Mr. President, I call up my amendment No. 2445.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Ohio [Mr. BROWN] proposes an amendment numbered 2445.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To strengthen rural communities and foster the next generation of farmers and ranchers)

On page 574, between lines 11 and 12, insert the following:

“(C) MANDATORY FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this subsection \$12,500,000 for each of fiscal years 2014 through 2017, to remain available until expended.

On page 606, between lines 4 and 5, insert the following:

“(E) MANDATORY FUNDING FOR FISCAL YEARS 2013 THROUGH 2017.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this paragraph \$3,750,000 for each of fiscal years 2014 through 2017, to remain available until expended.

On page 782, between lines 14 and 15 and insert the following:

SEC. 6203. FUNDING OF PENDING RURAL DEVELOPMENT LOAN AND GRANT APPLICATIONS.

(a) IN GENERAL.—The Secretary shall use funds made available under subsection (b) to provide funds for applications that are pending on the date of enactment of this Act in accordance with the terms and conditions of section 6029 of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246; 122 Stat. 1955).

(b) FUNDING.—Notwithstanding any other provision of law, beginning in fiscal year 2014, of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section \$50,000,000, to remain available until expended.

On page 832, line 6, strike “\$50,000,000 for fiscal year 2013” and insert “\$17,000,000 for each of fiscal years 2013 through 2017”.

The PRESIDING OFFICER. There is 2 minutes of debate, equally divided.

Mr. BROWN of Ohio. Mr. President, Congress has provided an average of \$400 million for farm bills in the rural development title. The bill we are considering includes no funding at all. My fiscally responsible amendment funds rural business development programs, a portion of the backlog of wastewater infrastructure projects, and will help bring a new generation of farmers into agriculture.

As a member of the Agriculture Committee, I know how important it is that this amendment maintain our committee’s commitment to save at least \$23 billion in the farm bill. I yield the rest of my time to the chairwoman, Senator STABENOW.

Ms. STABENOW. Mr. President, let me add my strong support for the amendment. We have reformed this title on rural development. We have eliminated 16 different authorizations, tightened it up. The amendment stays within our parameters of \$23 billion in deficit reduction. In effect, this benefits every small town and community across America that counts on rural development. I would strongly support this amendment.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. Mr. President, I oppose this amendment. I do so reluctantly with my colleague on the committee. But the committee bill contains no mandatory funding in the rural development title. This amendment would take savings achieved in the bill from 23.4—used to be 26.3—now we are down to 23.4. That would take it down to 23.2 and redirect \$150 million mandatory spending into a few rural development programs.

Nothing against them, but if we are going to achieve savings in this bill, we have to hold the line. I reluctantly oppose the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Ms. STABENOW. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

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

The result was announced—yeas 55, nays 44, as follows:

[Rollcall Vote No. 126 Leg.]

YEAS—55

Akaka	Cardin	Hagan
Baucus	Carper	Harkin
Begich	Casey	Heller
Bennet	Collins	Inouye
Bingaman	Conrad	Johnson (SD)
Blumenthal	Coons	Kerry
Boxer	Durbin	Klobuchar
Brown (MA)	Feinstein	Kohl
Brown (OH)	Franken	Landrieu
Cantwell	Gillibrand	Lautenberg

Leahy	Nelson (FL)	Tester
Levin	Pryor	Udall (CO)
Lieberman	Reed	Udall (NM)
Manchin	Reid	Warner
Menendez	Rockefeller	Webb
Merkley	Sanders	Whitehouse
Mikulski	Schumer	Wyden
Murray	Shaheen	
Nelson (NE)	Stabenow	

NAYS—44

Alexander	Graham	Moran
Ayotte	Grassley	Murkowski
Barrasso	Hatch	Paul
Blunt	Hoeven	Portman
Boozman	Hutchison	Risch
Burr	Inhofe	Roberts
Chambliss	Isakson	Rubio
Coats	Johanns	Sessions
Coburn	Johnson (WI)	Shelby
Cochran	Kyl	Snowe
Corker	Lee	Thune
Cornyn	Lugar	Toomey
Crapo	McCain	Vitter
DeMint	McCaskill	Wicker
Enzi	McConnell	

NOT VOTING—1

Kirk

The amendment (No. 2445) was agreed to.

The PRESIDING OFFICER. The Senator from Alabama.

AMENDMENT NO. 2174

Mr. SESSIONS. Mr. President, I call up amendment No. 2174.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alabama [Mr. SESSIONS] proposes an amendment numbered 2174.

The amendment is as follows:

(Purpose: To limit categorical eligibility for the supplemental nutrition assistance program to those who receive cash assistance)

On page 312, between lines 8 and 9, insert the following:

SEC. 4002. LIMITATION ON CATEGORICAL ELIGIBILITY.

Section 5 of the Food and Nutrition Act of 2008 (7 U.S.C. 2014) is amended—

(1) in the second sentence of subsection (a), by striking “households in which each member receives benefits” and inserting “households in which each member receives cash assistance”; and

(2) in subsection (j), by striking “or who receives benefits under a State program” and inserting “or who receives cash assistance under a State program”.

Mr. SESSIONS. Mr. President, food stamp spending has quadrupled—gone up four times—since 2001, increasing twice the rate that the other major poverty program, Medicaid, has increased. It is now the second largest Federal welfare program. An individual on food stamps, with all other government programs they may be eligible for, can receive as much as \$25,000 a year.

Under this bill food stamps will average \$80 billion a year for 10 years; whereas, the agriculture farm programs will average \$20 billion a year. It is by far the dominant factor in this entire piece of legislation.

Amendment No. 2174 deals with the problem through a system known as categorical eligibility. Forty-three States now provide benefits to individuals whose income exceeds the statutory limit—incomes and assets. Only 11 States did that in 2007.

I ask that we be able to fix this problem, and I urge my colleagues to vote for it.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I strongly urge a “no” vote. We actually rejected this amendment last fall. I ask that we do it again.

It is true that food assistance has gone up as the economy has had a rough time. As unemployment goes up, food costs go up. Unemployment is coming down, and in this bill we reflect savings. As the economy is getting better, food help goes down. It is no different than crop insurance helping the farmer in a disaster. This helps families in a disaster.

Unfortunately, this amendment would completely change the structure of food help. It would dramatically affect children and families. For example, it would affect someone’s ability to get to work because the value of their car would somehow be reflected in a way that would require them to possibly give up their car when they are trying to get to work in order to be able to put food on the table for their families. It makes no sense.

This bill has commonsense reforms to make sure every dollar goes where it should. I urge a “no” vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. SESSIONS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

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

The result was announced—yeas 43, nays 56, as follows:

[Rollcall Vote No. 127 Leg.]

YEAS—43

Alexander	Graham	Moran
Ayotte	Grassley	Murkowski
Barrasso	Hatch	Paul
Blunt	Hoeven	Portman
Boozman	Hutchison	Risch
Burr	Inhofe	Roberts
Chambliss	Isakson	Rubio
Coats	Johanns	Sessions
Coburn	Johnson (WI)	Shelby
Cochran	Kyl	Thune
Corker	Lee	Toomey
Cornyn	Lugar	Vitter
Crapo	McCain	Wicker
DeMint	McCaskill	
Enzi	McConnell	

NAYS—56

Akaka	Carper	Heller
Baucus	Casey	Inouye
Begich	Collins	Johnson (SD)
Bennet	Conrad	Kerry
Bingaman	Coons	Klobuchar
Blumenthal	Durbin	Kohl
Boxer	Feinstein	Landrieu
Brown (MA)	Franken	Lautenberg
Brown (OH)	Gillibrand	Leahy
Cantwell	Hagan	Levin
Cardin	Harkin	Lieberman

Manchin	Reed	Tester
Menendez	Reid	Udall (CO)
Merkley	Rockefeller	Udall (NM)
Mikulski	Sanders	Warner
Murray	Schumer	Webb
Nelson (NE)	Shaheen	Whitehouse
Nelson (FL)	Snowe	Wyden
Pryor	Stabenow	

NOT VOTING—1

Kirk

The amendment (No. 2174) was rejected.

The PRESIDING OFFICER. The Senator from Washington.

AMENDMENT NO. 2370

Ms. CANTWELL. I call up amendment No. 2370.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Washington [Ms. CANTWELL] proposes an amendment numbered 2370.

Ms. CANTWELL. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To encourage the purchase of pulse crop products for school meals programs)

On page 361, between lines 8 and 9, insert the following:

SEC. 4208. PULSE CROP PRODUCTS.

(a) PURPOSE.—The purpose of this section is to encourage greater awareness and interest in the number and variety of pulse crop products available to schoolchildren, as recommended by the most recent Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341).

(b) DEFINITIONS.—In this section:

(1) ELIGIBLE PULSE CROP.—The term “eligible pulse crop” means dry beans, dry peas, lentils, and chickpeas.

(2) PULSE CROP PRODUCT.—The term “pulse crop product” means a food product derived in whole or in part from an eligible pulse crop.

(c) PURCHASE OF PULSE CROPS AND PULSE CROP PRODUCTS.—In addition to the commodities delivered under section 6 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1755), the Secretary shall purchase eligible pulse crops and pulse crop products for use in—

(1) the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.); and

(2) the school breakfast program established by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773).

(d) EVALUATION.—Not later than September 30, 2016, the Secretary shall conduct an evaluation of the activities conducted under subsection (c), including—

(1) an evaluation of whether children participating in the school lunch and breakfast programs described in subsection (c) increased overall consumption of eligible pulse crops as a result of the activities;

(2) an evaluation of which eligible pulse crops and pulse crop products are most acceptable for use in the school lunch and breakfast programs;

(3) any recommendations of the Secretary regarding the integration of the use of pulse crop products in carrying out the school lunch and breakfast programs;

(4) an evaluation of any change in the nutrient composition in the school lunch and breakfast programs due to the activities; and

(5) an evaluation of any other outcomes determined to be appropriate by the Secretary.

(e) REPORT.—As soon as practicable after the completion of the evaluation under subsection (d), the Secretary shall submit to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Education and the Workforce of the House of Representative a report describing the results of the evaluation.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$10,000,000, to remain available until expended.

Ms. CANTWELL. Madam President, I rise in support of this amendment offered by my colleague, Senator MURRAY, and others, to include in the school lunch program a pilot program dealing with dry beans, peas, lentils, and chickpeas.

My amendment works to improve the nutritional value of school meals across America at a very economical price. With the level of obesity of children between 2 and 19, it is very important we have this program included.

I yield 30 seconds to my colleague from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. HOEVEN. Madam President, I thank Senator CANTWELL, and I rise to speak in support of this amendment. I cosponsored the legislation.

This would provide that pulse crops—peas, beans, and lentils—are used in school lunch programs. It does not add additional cost. They are a high source of protein, very cost effective, and it is a growing—no pun intended—crop in our country.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. Madam President, I am supportive of this amendment.

I have been notified a record vote is being requested, so I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The bill clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

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

The result was announced—yeas 58, nays 41, as follows:

[Rollcall Vote No. 128 Leg.]

YEAS—58

Akaka	Crapo	Landrieu
Baucus	Durbin	Lautenberg
Begich	Feinstein	Leahy
Bennet	Franken	Levin
Bingaman	Gillibrand	Lieberman
Blumenthal	Hagan	Lugar
Boxer	Harkin	Manchin
Brown (OH)	Hoeven	Menendez
Cantwell	Inouye	Merkley
Cardin	Johanns	Mikulski
Carper	Johnson (SD)	Murray
Casey	Kerry	Nelson (NE)
Conrad	Klobuchar	Nelson (FL)
Coons	Kohl	Pryor

Reed	Schumer	Warner
Reid	Shaheen	Webb
Risch	Stabenow	Whitehouse
Roberts	Tester	Wyden
Rockefeller	Udall (CO)	
Sanders	Udall (NM)	

NAYS—41

Alexander	DeMint	McConnell
Ayotte	Enzi	Moran
Barrasso	Graham	Murkowski
Blunt	Grassley	Paul
Boozman	Hatch	Portman
Brown (MA)	Heller	Rubio
Burr	Hutchison	Sessions
Chambliss	Inhofe	Shelby
Coats	Isakson	Snowe
Coburn	Johnson (WI)	Thune
Cochran	Kyl	Toomey
Collins	Lee	Vitter
Corker	McCain	Wicker
Cornyn	McCaskill	

NOT VOTING—1

Kirk

The amendment (No. 2370) was agreed to.

AMENDMENT NO. 2243

Mr. NELSON of Nebraska. Madam President, I rise to call up my amendment No. 2243.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nebraska [Mr. NELSON] proposes an amendment numbered 2243.

Mr. NELSON of Nebraska. I ask that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To ensure that performance bonus payments are used by State agencies only to carry out the supplemental nutrition assistance program)

On page 335, between lines 8 and 9, insert the following:

SEC. 4011. PERFORMANCE BONUS PAYMENTS.

Section 16(d) of the Food and Nutrition Act of 2008 (7 U.S.C. 2025(d)) is amended by adding at the end the following:

“(5) USE OF PERFORMANCE BONUS PAYMENTS.—A State agency may use a performance bonus payment received under this subsection only to carry out the program established under this Act, including investments in—

- “(A) technology;
- “(B) improvements in administration and distribution; and
- “(C) actions to prevent fraud, waste, and abuse.”.

Mr. NELSON of Nebraska. Madam President, I rise to call up this amendment addressing Federal performance payments that States receive to make sure Americans in tough times who need Supplemental Nutrition Assistance Program benefits receive them and those who don't do not get them.

It is a commonsense, good government amendment that builds on a 2002 bipartisan agreement between the States, the previous Bush administration, and Congress. In my view, Congress shouldn't eliminate incentives to improve efficiency in SNAP, as some are proposing. Congress should, though, better target these Federal performance bonus funds so States can use them only—and let me emphasize “only”—to improve their SNAP.

My amendment ensures that the incentive payments go toward activities

that improve efficiency, effectiveness, and the integrity of SNAP. These efforts have results. Since these incentives were put in place, the SNAP error rate—and overpayment and underpayment rates—has fallen nearly 43 percent.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. NELSON of Nebraska. That is a good investment.

I urge the adoption of my amendment.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. ROBERTS. I yield back the remainder of our time.

Ms. STABENOW. Madam President, I believe a voice vote is OK.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2243) was agreed to.

AMENDMENT NO. 2172

Mr. SESSIONS. Madam President, I appreciate my good friend's amendment. I do not think it deals with the problem completely and appropriately. I have offered amendment No. 2172, which would end the bonus payments for increasing registration on the Food Stamp Program. States currently receive bonuses for increasing enrollment in the Food Stamp Program. This amendment would end that policy and would save a modest \$480 million—if you call that modest—out of \$800 billion being spent on this program over 10 years, according to the CBO.

One of the problems we have with the Food Stamp Program, if you just think about it, is that all the money comes from the Federal Government but all the administration comes from the States. They have no incentive to manage the program in a way to reduce waste, fraud, and abuse. It really helps their economy if more money comes in from out of State. For the Federal Government to have a program that rewards States on top of their natural incentives would be wrong.

I urge support of my amendment.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SESSIONS. I ask for the yeas and nays and call up amendment No. 2172.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SESSIONS] proposes an amendment numbered 2172.

The amendment is as follows:

(Purpose: To end the State bonus payments for administering the supplemental nutrition assistance program)

On page 335, between lines 8 and 9, insert the following:

SEC. 4011. REPEAL OF STATE BONUS PAYMENTS.

Section 16 of the Food and Nutrition Act of 2008 (7 U.S.C. 2025) is amended by striking subsection (d).

Mr. SESSIONS. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Who yields time?

The Senator from Michigan.

Ms. STABENOW. Madam President, I strongly oppose this amendment. We are talking about improvements in managing errors, reducing errors in the nutrition program. The amendment of the Senator would eliminate the error-reduction bonuses that go to State governments.

We have seen a 43-percent drop in payment errors as a result of the program Senator NELSON has now strengthened with his amendment. In his amendment, he would ensure that all of the additional funds that go to States are used only to carry out improvements in SNAP, to lower the error rates. Those savings to taxpayers dwarf the costs of this incentive to States to improve their processes. It is working well.

In addition, in this bill we eliminate any lottery winners or students living at home with their parents from receiving assistance. We crack down further on trafficking in retail establishments.

I urge a “no” vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered.

The clerk will call the roll.

The bill clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

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

The result was announced—yeas 41, nays 58, as follows:

[Rollcall Vote No. 129 Leg.]

YEAS—41

Alexander	Enzi	McConnell
Ayotte	Graham	Moran
Barrasso	Grassley	Paul
Blunt	Hatch	Portman
Boozman	Hoeven	Risch
Burr	Hutchison	Roberts
Chambliss	Inhofe	Rubio
Coats	Isakson	Sessions
Coburn	Johanns	Shelby
Cochran	Johnson (WI)	Thune
Corker	Kyl	Toomey
Cornyn	Lee	Vitter
Crapo	Lugar	Wicker
DeMint	McCain	

NAYS—58

Akaka	Hagan	Nelson (NE)
Baucus	Harkin	Nelson (FL)
Begich	Heller	Pryor
Bennet	Inouye	Reed
Bingaman	Johnson (SD)	Reid
Blumenthal	Kerry	Rockefeller
Boxer	Klobuchar	Sanders
Brown (MA)	Kohl	Schumer
Brown (OH)	Landrieu	Shaheen
Cantwell	Lautenberg	Snowe
Cardin	Leahy	Stabenow
Carper	Levin	Tester
Casey	Lieberman	Udall (CO)
Collins	Manchin	Udall (NM)
Conrad	McCaskill	Warner
Coons	Menendez	Webb
Durbin	Merkley	Whitehouse
Feinstein	Mikulski	Wyden
Franken	Murkowski	
Gillibrand	Murray	

NOT VOTING—1
Kirk

The amendment (No. 2172) was rejected.

The PRESIDING OFFICER. The Senator from Pennsylvania.

AMENDMENT NO. 2238

Mr. CASEY. I call up my amendment No. 2238.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows: The Senator from Pennsylvania [Mr. CASEY] proposes an amendment numbered 2238.

Mr. CASEY. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To require more frequent dairy reporting)

On page 110, line 7, strike “no less” and insert “more”.

On page 110, line 22, strike “no less” and insert “more”.

On page 112, after line 21, add the following:

(c) STUDY.—

(1) IN GENERAL.—The Secretary shall conduct a study of the feasibility of establishing 2 classes of milk, a fluid class and a manufacturing class, to replace the 4-class system in effect on the date of enactment of this Act in administering Federal milk marketing orders.

(2) FEDERAL MILK MARKET ORDER REVIEW COMMISSION.—The Secretary may elect to use the Federal Milk Market Order Review Commission established under section 1509(a) of the Food, Conservation, and Energy Act of 2008 (Public Law 110-246; 122 Stat. 1726), or documents of the Commission, to conduct all or part of the study.

(3) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the results of the study required under this subsection, including any recommendations.

Mr. CASEY. Madam President, I am calling up this amendment, which is very simple. It is about two things: First of all, it would increase the frequency of so-called dairy price reporting that goes on already. The Department of Agriculture does this reporting on a rather frequent basis. We are just going to suggest that we codify, or make law, what the USDA is already doing. So, first, it would increase the frequency of reporting from “no less than once a month” to “more than once a month.” So it just puts into law what is already in practice.

Secondly, this amendment would require the USDA to study—only to study—the feasibility of having two classes of milk as opposed to four. This would help clarify whether folks who want to do that—it requires that study. But, particularly, in the first part of the amendment, we need to make sure our farmers have as much information about pricing to help the farmers themselves, dairy buyers, and dairy suppliers.

I urge a “yes” vote on this amendment.

The PRESIDING OFFICER. The Senator’s time has expired.

Who yields time?

The Senator from Kansas.

Mr. ROBERTS. Thank you, Madam President. A recorded vote has been requested, so I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The bill clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

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

The result was announced—yeas 73, nays 26, as follows:

[Rollcall Vote No. 130 Leg.]

YEAS—73

Akaka	Grassley	Nelson (NE)
Alexander	Hagan	Nelson (FL)
Ayotte	Harkin	Portman
Baucus	Heller	Pryor
Begich	Hutchison	Reed
Bennet	Inouye	Reid
Bingaman	Isakson	Risch
Blumenthal	Johanns	Roberts
Blunt	Johnson (SD)	Rockefeller
Boozman	Kerry	Sanders
Brown (OH)	Klobuchar	Schumer
Cantwell	Kohl	Shaheen
Cardin	Landrieu	Snowe
Carpenter	Lautenberg	Stabenow
Casey	Leahy	Tester
Chambliss	Levin	Toomey
Coats	Lieberman	Udall (CO)
Collins	Lugar	Udall (NM)
Conrad	Manchin	Vitter
Cooms	McCaskill	Warner
Corker	Menendez	Webb
Crapo	Merkley	Whitehouse
Durbin	Mikulski	Wyden
Franken	Murkowski	
Gillibrand	Murray	

NAYS—26

Barrasso	Feinstein	McConnell
Boxer	Graham	Moran
Brown (MA)	Hatch	Paul
Burr	Hoeven	Rubio
Coburn	Inhofe	Sessions
Cochran	Johnson (WI)	Shelby
Cornyn	Kyl	Thune
DeMint	Lee	Wicker
Enzi	McCain	

NOT VOTING—1

Kirk

The amendment (No. 2238) was agreed to.

The PRESIDING OFFICER. The Senator from Kentucky.

AMENDMENT NO. 2181

Mr. PAUL. Mr. President, I call up amendment No. 2181.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. PAUL] proposes an amendment numbered 2181.

The amendment is as follows:

(Purpose: To establish an average adjusted gross income limitation of \$250,000 for all payments and benefits under the Farm Bill)

Strike section 1605 and insert the following:

SEC. 1605. AVERAGE ADJUSTED GROSS INCOME LIMITATION.

Section 1001D of the Food Security Act of 1985 (7 U.S.C. 1308-3a) is amended by striking subsection (b) and inserting the following:

“(b) LIMITATIONS.—Notwithstanding any other provision of law, a person or legal entity shall not be eligible to receive any payment or other benefit under the Agriculture Reform, Food, and Jobs Act of 2012, or any amendment made by that Act, during a crop, fiscal, or program year, as appropriate, if the average adjusted gross income of the person or legal entity exceeds \$250,000.”

The PRESIDING OFFICER. There will be 2 minutes of debate equally divided.

The Senator from Kentucky.

Mr. PAUL. Mr. President, this amendment will limit all payments or all farm subsidies to persons with an adjusted gross income of less than \$250,000.

My friends across the aisle are commonly saying: Why don’t those of means pay more or receive less? This amendment would do precisely that.

Nine percent of farmers earn more than \$250,000 worth of adjusted gross income. This would limit their payments. Currently, 9 percent of the farmers—who are the well-off farmers—are receiving nearly a third of the benefits.

A good question for the Senate might be: What do Scottie Pippen, Larry Flynt, and David Rockefeller have in common? The answer would be: that besides being very rich, they have all gotten farm subsidies in the past. I think this should change and that the wealthy should not be receiving farm subsidies. This amendment would get rid of this.

I yield back the remainder of my time and encourage Senators to support this amendment.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I would urge a “no” vote on this amendment. The good news is, the people who were mentioned will no longer be able to get farm subsidies under this bill because of the reforms we have already put in place. We have already lowered the adjusted gross income. We have put a \$50,000-per-person cap on payments, which is less than half than what farmers currently receive.

Let me say, this would cap across the board, including conservation, and conservation of land and water is critically important to us as a country.

I yield now the remainder of my time to my ranking member.

Mr. ROBERTS. It is not only commodity programs, I say to my chairwoman. This would also affect all of our conservation programs, crop insurance, rural development programs, research, dairy, and livestock. I doubt if Larry Flynt has anything to do with any of those.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2181.

Ms. STABENOW. 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 legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

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

The result was announced—yeas 15, nays 84, as follows:

[Rollcall Vote No. 131 Leg.]

YEAS—15

Ayotte	Johnson (WI)	Murkowski
Burr	Kohl	Paul
DeMint	Kyl	Portman
Hatch	Lee	Rubio
Heller	McCain	Toomey

NAYS—84

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

NOT VOTING—1

Kirk

The amendment (No. 2181) was rejected.

The PRESIDING OFFICER. The Senator from Delaware.

AMENDMENT NO. 2426

Mr. COONS. Mr. President, I call up my amendment No. 2426.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows: The Senator from Delaware [Mr. COONS] proposes an amendment numbered 2426.

The amendment is as follows:

(Purpose: To provide for studies on the feasibility of establishing a business disruption insurance policy for poultry producers and a catastrophic event insurance policy for poultry producers)

On page 970, between lines 5 and 6, insert the following:

SEC. 11019. POULTRY BUSINESS DISRUPTION INSURANCE POLICY.

Section 522(c) of the Federal Crop Insurance Act (7 U.S.C. 1522(c)) (as amended by sections 11016, 11017, and 11018) is amended by adding at the end the following:

“(21) POULTRY BUSINESS DISRUPTION INSURANCE POLICY AND CATASTROPHIC DISEASE PROGRAM.—

“(A) DEFINITION OF POULTRY.—In this paragraph, the term ‘poultry’ has the meaning

given the term in section 2(a) of the Packers and Stockyards Act, 1921 (7 U.S.C. 182(a)).

“(B) AUTHORITY.—The Corporation shall offer to enter into 1 or more contracts with qualified entities to carry out—

“(i) a study to determine the feasibility of insuring commercial poultry production against business disruptions caused by integrator bankruptcy; and

“(ii) a study to determine the feasibility of insuring poultry producers for a catastrophic event.

“(C) BUSINESS DISRUPTION STUDY.—The study described in subparagraph (B)(i) shall—

“(i) evaluate the market place for business disruption insurance that is available to poultry producers;

“(ii) assess the feasibility of a policy to allow producers to ensure against a portion of losses from loss under contract due to business disruption from integrator bankruptcy; and

“(iii) analyze the costs to the Federal government of a Federal business disruption insurance program for poultry producers.

“(D) REPORTS.—Not later than 1 year after the date of enactment of this paragraph, the Corporation shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the results of—

“(i) the study carried out under subparagraph (B)(i); and

“(ii) the study carried out under subparagraph (B)(ii).”.

Mr. COONS. Mr. President, I thank the leaders who have worked so hard on this bipartisan farm bill, especially Chairwoman STABENOW and Ranking Member ROBERTS.

On this bipartisan farm bill, Senator CHAMBLISS and I are grateful to have our amendment heard. Poultry is a critical industry in Delaware, Georgia, and in many States. Between the recession and the volatile cost of chicken-feed, there will be a rising number of factors that can have a catastrophic impact on local economies that are well beyond the control of our farmers and integrators. The two studies we propose in this amendment would explore whether insurance programs might make sense as a tool for helping poultry farmers and integrators continue to thrive during uncertain economic times and would specifically study protection from catastrophic loss from disease outbreaks or bankruptcy of poultry integrators.

This amendment is at no additional cost to taxpayers. I urge my colleagues to join Senator CHAMBLISS and me in supporting it.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. Mr. President, we yield back the remainder of our time.

The PRESIDING OFFICER. All time is yielded back.

The question is on agreeing to the amendment No. 2426.

The amendment (No. 2426) was agreed to.

The PRESIDING OFFICER. The Senator from California.

AMENDMENT NO. 2422

Mrs. FEINSTEIN. Mr. President, I call up my amendment 2422.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. FEINSTEIN], for herself, Mrs. BOXER, and Mr. KYL, proposes an amendment numbered 2422.

The amendment is as follows:

(Purpose: To modify a provision relating to conservation innovation grants and payments)

Strike section 2207 and insert the following:

SEC. 2207. CONSERVATION INNOVATION GRANTS AND PAYMENTS.

Section 1240H of the Food Security Act of 1985 (16 U.S.C. 3839aa-8) is amended—

(1) in subsection (b)(2), by striking “2012” and inserting “2017”; and

(2) by adding at the end the following:

“(c) REPORTING.—Not later than December 31, 2013, and every 2 years thereafter, the Secretary shall submit to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives a report on the status of projects funded under this section, including—

“(1) funding awarded;

“(2) project results; and

“(3) incorporation of project findings, such as new technology and innovative approaches, into the conservation efforts implemented by the Secretary.”.

Mrs. FEINSTEIN. Mr. President, I present this amendment on behalf of Senator KYL, Senator BOXER, and myself. It is a very simple amendment. It maintains a provision from the 2008 farm bill that sets aside \$37.5 million for air quality improvement projects.

This program has been used to replace old diesel tractor engines with newer, cleaner ones. This improves efficiency for the farmer and air quality in the region. It has helped thousands of farmers comply with EPA, State, and local air quality regulations.

In California’s Central Valley, we have some of the poorest air quality in the country. It is an EPA extreme non-attainment zone, and the EPA and the State have set very strict standards for emissions.

This funding has achieved the equivalent of removing more than 408,000 cars from California highways in the last 5 years. I urge its passage.

The PRESIDING OFFICER. Who yields time?

The Senator from Michigan.

Ms. STABENOW. Mr. President, I wish to take a moment—the ranking member has yielded some time to me—to thank Senator FEINSTEIN. This is an excellent amendment. She has done a tremendous amount of work on it. I urge a “yes” vote.

The PRESIDING OFFICER. If there is no further debate on the amendment, the question is on agreeing to the amendment.

The amendment (No. 2422) was agreed to.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

AMENDMENT NO. 2191

Mr. ALEXANDER. Mr. President, I call up my amendment No. 2191.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Tennessee [Mr. ALEXANDER] proposes an amendment numbered 2191.

The amendment is as follows:

(Purpose: To provide that any cooperative organization or other entity that receives a business and industry direct or guaranteed loan for a wind energy project is ineligible for any other Federal benefit, assistance, or incentive for the project)

On page 596, between lines 12 and 13, insert the following:

“(12) OTHER FEDERAL BENEFITS.—Notwithstanding any other provision of law, any cooperative organization or other entity that receives a loan or loan guarantee under this subsection for a wind energy project shall be ineligible for any other Federal benefit, assistance, or incentive for the project under any other provision of law.

Mr. ALEXANDER. Mr. President, if my colleagues think it is a good idea to give rich developers of wind turbines a double dip into the Federal Treasury at a time when we are borrowing 40 cents of every \$1, then this provision in the farm bill is for you. If you think a single dip into the Treasury is justified, then this amendment is for you.

The farm bill gives new loans, new loan guarantees for wind turbines. That is on top of the 14 billion Federal tax dollars we are spending over 5 years for wind turbines—\$6 billion through the production tax credit and the other \$8 billion through the section 603 grants. This simply says: No double-dipping. Only one dip. If you do the tax credit, you can't do the farm bill.

Vote yes if you don't like double-dipping into the Federal Treasury.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I rise to oppose this amendment. I appreciate the interest and concern of the Senator from Tennessee. Let me just say that this amendment would cut off access for farmers and small businesses that are looking to develop wind energy projects that will create jobs. I have to say, as someone coming from Michigan, when I look at one of those big wind turbines, I see 8,000 parts, and every single one of them can be made in Michigan or across the country—we would prefer Michigan. But the reality is this is about jobs.

We are in the middle of a global clean energy race with countries such as China, and this is about giving our businesses a leg up to be able to win that race. Frankly, it is about getting us off of foreign oil. This is one way to do that and to create jobs.

Since 2005, wind energy companies have contributed more than \$60 billion to the economy, with over 400 facilities in 43 States. It is about jobs. It is about manufacturing.

I would urge a “no” vote.

Mr. ALEXANDER. How much time do we have?

The PRESIDING OFFICER. All time has expired.

Ms. STABENOW. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

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

The result was announced—yeas 33, nays 66, as follows:

[Rollcall Vote No. 132 Leg.]

YEAS—33

Alexander	Crapo	Murkowski
Ayotte	DeMint	Paul
Barrasso	Enzi	Portman
Blunt	Graham	Risch
Burr	Hatch	Rubio
Chambliss	Isakson	Sessions
Coats	Johnson (WI)	Shelby
Coburn	Kyl	Snowe
Cochran	Lee	Toomey
Corker	McCain	Vitter
Cornyn	McConnell	Wicker

NAYS—66

Akaka	Hagan	Mikulski
Baucus	Harkin	Moran
Begich	Heller	Murray
Bennet	Hoeven	Nelson (NE)
Bingaman	Hutchison	Nelson (FL)
Blumenthal	Inhofe	Pryor
Boozman	Inouye	Reed
Boxer	Johanns	Reid
Brown (MA)	Johnson (SD)	Roberts
Brown (OH)	Kerry	Rockefeller
Cantwell	Klobuchar	Sanders
Cardin	Kohl	Schumer
Carper	Landrieu	Shaheen
Casey	Lautenberg	Stabenow
Collins	Leahy	Tester
Conrad	Levin	Thune
Coons	Lieberman	Udall (CO)
Durbin	Lugar	Udall (NM)
Feinstein	Manchin	Warner
Franken	McCaskill	Webb
Gillibrand	Menendez	Whitehouse
Grassley	Merkley	Wyden

NOT VOTING—1

Kirk

The amendment (No. 2191) was rejected.

AMENDMENT NO. 2199

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I call up Senator McCAIN's and my amendment No. 2199.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KERRY], for himself and Mr. McCAIN, proposes an amendment numbered 2199.

Mr. KERRY. Mr. President, I ask unanimous consent that further reading be dispensed with.

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

The amendment is as follows:

(Purpose: To repeal a duplicative program relating to inspection and grading of catfish)

At the end, add the following:

SEC. 12207. REPEAL OF DUPLICATIVE PROGRAM.

(a) IN GENERAL.—Effective on the date of enactment of the Food, Conservation, and Energy Act (7 U.S.C. 8701 et seq.), section 11016 of that Act (Public Law 110-246; 122 Stat. 2130) and the amendments made by that section are repealed.

(b) APPLICATION.—The Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.) and the Federal Meat Inspection Act (21 U.S.C. 601 et seq.) shall be applied and administered as if section 11016 of the Food, Conservation,

and Energy Act (Public Law 110-246; 122 Stat. 2130) and the amendments made by that section had not been enacted.

The PRESIDING OFFICER. The time of debate will be equally divided.

Mr. KERRY. Mr. President, Senator McCAIN and I, along with a strong bipartisan group of our colleagues, are offering this amendment to repeal the 2008 farm bill's catfish language. Our amendment would repeal this language because it is unfair to importers, it is costly to taxpayers, and it provides no food safety benefit. It is duplicative of the other programs, and it never received consideration or debate in the House or Senate and should never have passed in the first place. It doesn't make sense to have a catfish category for the regulation of fish, and then all other fish are in a completely separate category.

The GAO concluded in its recent report:

To enhance the effectiveness of the food safety system for catfish and avoid duplication of effort and cost, Congress should consider repealing provisions of the Farm Bill that assigned USDA responsibility for examining catfish and for creating a catfish inspection program.

Five years later, they are still debating what a catfish is. This is entirely duplicative, a waste of time, and hurts consumers and processors.

I hope colleagues will support us in this effort.

The PRESIDING OFFICER. Who yields time in opposition?

The Senator from Arkansas.

Mr. PRYOR. Mr. President, let me give the other side of the story here. We have a lot of fish that gets imported from important trading partners such as Vietnam and other Asian countries. It is disputed whether they meet the definition of catfish. They certainly aren't an American variety of catfish; they are probably some other type of fish. But regardless of all of the science there, it is important that we inspect these fish as they come in because they are not grown in the same sanitary conditions we have in the United States. They use different herbicides and pesticides, and they have different pollutants. In fact, we have seen documented cases where they are raised in sewage water—water contaminated with sewage.

We need to make sure these fish are inspected when they come into the United States. That is what the underlying bill provides, and that is what I support.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to the amendment.

Ms. STABENOW. Mr. President, it is my understanding that we can proceed with a voice vote on this amendment.

The amendment (No. 2199) was agreed to.

Mr. KERRY. Mr. President, I move to reconsider the vote, and I lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2309

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I call up amendment No. 2309.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. FEINSTEIN], for herself and Mr. CHAMBLISS, proposes an amendment numbered 2309.

The amendment is as follows:

(Purpose: To require a study into the feasibility of an insurance product that covers food safety recalls)

On page 968, between lines 4 and 5, insert the following:

SEC. 11017. STUDY OF FOOD SAFETY INSURANCE.

Section 522(c) of the Federal Crop Insurance Act (7 U.S.C. 1522(c)) (as amended by section 11016) is amended by adding at the end the following:

“(19) STUDY OF FOOD SAFETY INSURANCE.—

“(A) IN GENERAL.—The Corporation shall offer to enter into a contract with 1 or more qualified entities to conduct a study to determine whether offering policies that provide coverage for specialty crops from food safety and contamination issues would benefit agricultural producers.

“(B) SUBJECT.—The study described in subparagraph (A) shall evaluate policies and plans of insurance coverage that provide protection for production or revenue impacted by food safety concerns including, at a minimum, government, retail, or national consumer group announcements of a health advisory, removal, or recall related to a contamination concern.

“(C) REPORT.—Not later than 1 year after the date of enactment of this paragraph, the Corporation shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the results of the study conducted under subparagraph (A).”.

Mrs. FEINSTEIN. Mr. President, I offer this amendment on behalf of Senator CHAMBLISS and myself. This is a simple amendment. It simply authorizes a study into how we can better cover farmers affected by recalls they did not cause.

When a food safety recall occurs—such as spinach, tomatoes, cantaloupe—consumers stop purchasing the product regardless of what farm the food came from. When this happens, producers suffer major financial losses because of a recall they did not cause.

This amendment directs the USDA to conduct a study into the feasibility of a crop insurance product that would cover a producer’s losses after these kinds of events.

The amendment has zero cost, it has bipartisan support, and it is endorsed by United Fresh.

The PRESIDING OFFICER. The Senator’s time has expired.

Mrs. FEINSTEIN. Mr. President, I urge an “aye” vote. I don’t believe a rollcall vote is necessary.

The PRESIDING OFFICER. Who yields time in opposition?

Ms. STABENOW. Mr. President, I strongly commend Senator FEINSTEIN and strongly support the amendment.

It is my understanding we do have those who have asked for a rollcall vote on this amendment.

I yield to my ranking member.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. Mr. President, we have a request on our side for a recorded vote. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

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

The result was announced—yeas 76, nays 23, as follows:

[Rollcall Vote No. 133 Leg.]

YEAS—76

Akaka	Feinstein	Murkowski
Alexander	Franken	Murray
Ayotte	Gillibrand	Nelson (NE)
Baucus	Grassley	Nelson (FL)
Begich	Hagan	Portman
Bennet	Harkin	Pryor
Bingaman	Hutchison	Reed
Blumenthal	Inouye	Reid
Blunt	Isakson	Risch
Boozman	Johanns	Rockefeller
Boxer	Johnson (SD)	Sanders
Brown (MA)	Kerry	Schumer
Brown (OH)	Klobuchar	Shaheen
Burr	Kohl	Snowe
Cantwell	Landrieu	Stabenow
Cardin	Lautenberg	Tester
Carper	Leahy	Udall (CO)
Casey	Levin	Udall (NM)
Chambliss	Lieberman	Vitter
Cochran	Lugar	Warner
Collins	Manchin	Webb
Conrad	McCaskill	Whitehouse
Coons	Menendez	Wicker
Cornyn	Merkley	Wyden
Crapo	Mikulski	
Durbin	Moran	

NAYS—23

Barrasso	Heller	Paul
Coats	Hoeven	Roberts
Coburn	Inhofe	Rubio
Corker	Johnson (WI)	Sessions
DeMint	Kyl	Shelby
Enzi	Lee	Thune
Graham	McCain	Toomey
Hatch	McConnell	

NOT VOTING—1

Kirk

The amendment (No. 2309) was agreed to.

The PRESIDING OFFICER. The Senator from Pennsylvania.

AMENDMENT NO. 2217

Mr. TOOMEY. Mr. President, I call up amendment No. 2217.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. TOOMEY] proposes an amendment numbered 2217.

The amendment is as follows:

(Purpose: To eliminate the organic certification cost share assistance program)

Beginning on page 980, strike line 13, and all that follows through page 983, line 20.

The PRESIDING OFFICER. There are 2 minutes of debate equally divided.

Mr. TOOMEY. Mr. President, the bill we are debating today has a provision called the Organic Certification Cost Share and Agricultural Management Assistance Program. This creates \$115 million of mandatory spending over the next 5 years. It continues existing policy except at a much higher spending level. It is a 53-percent increase over the 2008 farm bill. Half of the funding goes to pay producers. Half of this funding goes to have taxpayers pay the cost of producers that want to certify that they grow an organic product. I have nothing against organic farming, but it is a \$31 billion industry. It has had a 50-percent growth rate just since 2008, and this applies only to large producers because small producers are not required to seek this certification. This is a great market. There is a great deal of interest in organic products, but I think these large producers can pay for their own certification.

The other half goes to duplicative conservation efforts.

The PRESIDING OFFICER. The Senator’s time has expired.

Mr. TOOMEY. Thank you, Mr. President.

Mr. LEAHY. Mr. President, I strongly oppose the Toomey amendment, which would completely eliminate funding for the organic certification cost-share assistance, risk management education, and agricultural management assistance. These programs are highly effective and have helped farmers across the entire country, which is why they have widespread bipartisan support. They ensure that all producers have equal access to the organic certification process, support sustainable farm practices, and help disseminate information about the intricate crop insurance system to those who traditionally have not had access. The farm bill is about fairness, equity, job growth, and protecting farmers eliminating these vital programs runs counter to these fundamental goals.

The National Organic Certification Cost Share Program and the Agricultural Management Assistance program have proven to be highly cost-effective tools for farmers. With grants of up to \$750, they allow organic producers and handlers to defray a portion of their rising organic certification costs. These small grants help the many producers who already follow organic practices complete the costly certification process. In fiscal year 2011 alone, over 9,300 operations in 49 states received assistance through these 2 programs.

Demand from the marketplace has fueled the skyrocketing production of organic food. This food frequently yields higher prices for producers and gives consumers greater choice. Many small producers who often sell their goods directly to consumers—have trouble obtaining organic certification, which is the last hurdle that must be

overcome to access these valuable markets. The National Organic Certification Cost Share Program brings equity to the system and enables producers to properly label their goods. This ensures that consumers can find American organic products and rest assured that they have been produced according to organic standards.

The Agricultural Management Assistance, AMA, program also helps producers make the conservation improvements that they would like to make—such as water quality and erosion controls. This program is completely voluntary and helps farmers in states where participation in Federal Crop Insurance has remained low. Agricultural Management Assistance helps farmers develop sustainable practices that protect their farmland and ensure the health of our shared water systems. This is the type of program that pays long-term dividends and greatly reduces future mitigation costs for our Nation's farmers.

Last year Tropical Storm Irene devastated the landscape in Vermont, eroding soil and spreading contaminants into our water system. Fertile soil was wiped away leaving only bedrock behind. To the extent we can, we should try to lessen the toll of natural disasters like Irene by implementing the conservation practices that AMA supports. Eliminating programs like AMA kicks the can down the road, increasing the size and impact of problems that our children and grandchildren will be left to fix.

I urge all Senators to stand with our farmers and oppose this amendment.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. I rise to oppose this amendment. One of the important principles in this bill is that we support the great diversity of American agriculture. This particular amendment would go after a very small part of this bill—a provision to support the fastest growing part of agriculture, which is organic farming.

We have reformed this bill, as we have every other part of the bill. We continue what has been in the farm bills of the past.

I might add this amendment would also reduce funding available for conservation and risk management assistance for States that have been underserved by crop insurance.

I urge a “no” vote on the amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2217.

Ms. STABENOW. 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 bill clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

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

The result was announced—yeas 42, nays 57, as follows:

[Rollcall Vote No. 134 Leg.]

YEAS—42

Alexander	Enzi	McConnell
Ayotte	Graham	Moran
Barrasso	Grassley	Murkowski
Blunt	Hatch	Paul
Boozman	Heller	Portman
Burr	Inhofe	Risch
Chambliss	Isakson	Roberts
Coats	Johanns	Rubio
Coburn	Johnson (WI)	Sessions
Cochran	Kyl	Shelby
Corker	Lee	Thune
Cornyn	Lugar	Toomey
Crapo	Manchin	Vitter
DeMint	McCain	Wicker

NAYS—57

Akaka	Gillibrand	Murray
Baucus	Hagan	Nelson (NE)
Begich	Harkin	Nelson (FL)
Bennet	Hoeven	Pryor
Bingaman	Hutchison	Reed
Blumenthal	Inouye	Reid
Boxer	Johnson (SD)	Rockefeller
Brown (MA)	Kerry	Sanders
Brown (OH)	Klobuchar	Schumer
Cantwell	Kohl	Shaheen
Cardin	Landrieu	Snowe
Carper	Lautenberg	Stabenow
Casey	Leahy	Tester
Collins	Levin	Udall (CO)
Conrad	Lieberman	Udall (NM)
Coons	McCaskill	Warner
Durbin	Menendez	Webb
Feinstein	Merkeley	Whitehouse
Franken	Mikulski	Wyden

NOT VOTING—1

Kirk

The amendment (No. 2217) was rejected.

The PRESIDING OFFICER. The Senator from New York.

AMENDMENT NO. 2156

Mrs. GILLIBRAND. Mr. President, I call up my amendment No. 2156.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New York [Mrs. GILLIBRAND], for herself, Mr. LAUTENBERG, Mr. SCHUMER, Mr. REED, and Mr. WYDEN, proposes an amendment numbered 2156.

Mrs. GILLIBRAND. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To strike a reduction in the supplemental nutrition assistance program and increase funding for the fresh fruit and vegetable program, with an offset that limits crop insurance reimbursements to providers)

Beginning on page 312, strike line 9 and all that follows through the end of page 313.

On page 361, strike lines 1 through 8 and insert the following:

SEC. 4207. PURCHASE OF COMMODITIES BY COMMODITY CREDIT CORPORATION.

When the Secretary considers the purchasing of commodities by the Commodity Credit Corporation or under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), in addition to other appropriate considerations, the Secretary may consider the needs of the States and the demands placed on emergency feeding organizations.

SEC. 4208. FRESH FRUIT AND VEGETABLE PROGRAM.

Section 19(i) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769a(i)) is amended—

(1) by redesignating paragraphs (4) through (7) as paragraphs (5) through (8), respectively; and

(2) by inserting after paragraph (3) the following:

“(4) MANDATORY FUNDING.—In addition to any other amounts made available to carry out this section, on October 1, 2012, and on each October 1 thereafter through October 1, 2021, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this section \$50,000,000, to remain available until expended.”

On page 953, between lines 8 and 9, insert the following:

SEC. 11011. ANNUAL LIMITATION ON DELIVERY EXPENSES AND REDUCED RATE OF RETURN.

(a) ANNUAL LIMITATION ON DELIVERY EXPENSES.—Section 508(k)(4) of the Federal Crop Insurance Act (7 U.S.C. 1508(k)(4)) is amended by adding at the end the following:

“(G) ANNUAL LIMITATION ON DELIVERY EXPENSES.—Beginning with the 2014 reinsurance year, the amount paid by the Corporation to reimburse approved insurance providers and agents for the administrative and operating costs of the approved insurance providers and agents shall not exceed \$825,000,000 per year.”

(b) REDUCED RATE OF RETURN.—Section 508(k)(8) of the Federal Crop Insurance Act (7 U.S.C. 1508(k)(8)) (as amended by section 11010) is amended by adding at the end the following:

“(G) REDUCED RATE OF RETURN.—Beginning with the 2014 reinsurance year, the Standard Reinsurance Agreement shall be adjusted to ensure a projected rate of return for the approved insurance producers not to exceed 12 percent, as determined by the Corporation.”

AMENDMENT NO. 2156, AS MODIFIED

Mrs. GILLIBRAND. Mr. President, I ask unanimous consent that my amendment be modified with the changes at the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

Beginning on page 312, strike line 9 and all that follows through the end of page 313.

On page 361, strike lines 1 through 8 and insert the following:

SEC. 4207. PURCHASE OF COMMODITIES BY COMMODITY CREDIT CORPORATION.

When the Secretary considers the purchasing of commodities by the Commodity Credit Corporation or under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), in addition to other appropriate considerations, the Secretary may consider the needs of the States and the demands placed on emergency feeding organizations starting in 2014.

SEC. 4208. FRESH FRUIT AND VEGETABLE PROGRAM.

Section 19(i) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769a(i)) is amended—

(1) by redesignating paragraphs (4) through (7) as paragraphs (5) through (8), respectively; and

(2) by inserting after paragraph (3) the following:

“(4) MANDATORY FUNDING.—In addition to any other amounts made available to carry out this section, on October 1, 2014, and on

each October 1 thereafter, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this section \$50,000,000, to remain available until expended.”

On page 953, between lines 8 and 9, insert the following:

SEC. 11011. ANNUAL LIMITATION ON DELIVERY EXPENSES AND REDUCED RATE OF RETURN.

(a) ANNUAL LIMITATION ON DELIVERY EXPENSES.—Section 508(k)(4) of the Federal Crop Insurance Act (7 U.S.C. 1508(k)(4)) is amended by adding at the end the following:

“(G) ANNUAL LIMITATION ON DELIVERY EXPENSES.—Beginning with the 2014 reinsurance year, the amount paid by the Corporation to reimburse approved insurance providers and agents for the administrative and operating costs of the approved insurance providers and agents shall not exceed \$825,000,000 per year.”

(b) REDUCED RATE OF RETURN.—Section 508(k)(8) of the Federal Crop Insurance Act (7 U.S.C. 1508(k)(8)) (as amended by section 11010) is amended by adding at the end the following:

“(G) REDUCED RATE OF RETURN.—Beginning with the 2014 reinsurance year, the Standard Reinsurance Agreement shall be adjusted to ensure a projected rate of return for the approved insurance producers not to exceed 12 percent, as determined by the Corporation.”

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided.

The Senator from New York.

Mrs. GILLIBRAND. Let me be clear, Mr. President, about what this amendment does and does not do. This amendment does not extend or expand the Food Stamp Program. It provides the exact same benefits families are receiving today.

Half of the food stamp beneficiaries are children, 17 percent are seniors, and, unfortunately, now 1.5 million households are veteran households that are receiving food stamps.

This amendment does not take a penny from our farmers. These cuts are not about waste, fraud, and abuse. According to CBO, it is \$90 a month from these families’ kitchen tables.

We all here in this Chamber take the ability to feed our children for granted. That is not the case for too many families in America. Put yourselves for just a moment in their shoes. Imagine being a parent who cannot feed your children the food they need to grow. It is beneath this body to cut food assistance for those who are struggling the most among us.

The PRESIDING OFFICER. The Senator’s time has expired.

The Senator from Michigan.

Ms. STABENOW. Mr. President, I must, regretfully, oppose this amendment. I deeply care about protecting nutrition assistance programs. I hope that is not in doubt. But here is what is going on. In a handful of States, they have found a way to increase the SNAP benefits for people in their States by sending \$1 checks in heating assistance to everyone who gets food assistance. Now, it is important to consider what a family’s heating bill is when determining how much help they need, which is why the two programs are

linked. But sending out \$1 checks to everyone is not the intent of Congress. For the small number of States that are doing that, it is undermining the integrity of the program, in my judgment.

I appreciate we have turned down those amendments that would, in fact, change this structure and lower benefits. But this is about accountability and integrity within the program, and I must oppose the amendment.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. Mr. President, I strongly oppose this amendment. This amendment would shield over 82 percent of farm bill spending from deficit reduction and prevent the bill from addressing a serious breach in nutrition program integrity.

Let me be clear. Tightening the LIHEAP loophole does not affect SNAP eligibility for anyone using SNAP.

To add insult to this injury, this amendment then pillages money from crop insurance—

The PRESIDING OFFICER. The Senator’s time has expired.

Mr. ROBERTS. Did we not have a minute apiece?

Ms. STABENOW. I would ask the Presiding Officer if there is any time remaining in the debate?

The PRESIDING OFFICER. All debate time has expired.

Mr. ROBERTS. Well, we will stop at “pillaging.”

Ms. STABENOW. 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 question is on agreeing to the amendment, as modified.

The clerk will call the roll.

The bill clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

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

The result was announced—yeas 33, nays 66, as follows:

[Rollcall Vote No. 135 Leg.]

YEAS—33

Akaka	Gillibrand	Murray
Begich	Heller	Reed
Blumenthal	Kerry	Reid
Boxer	Lautenberg	Rockefeller
Brown (MA)	Leahy	Sanders
Brown (OH)	Levin	Schumer
Cantwell	Lieberman	Shaheen
Cardin	Menendez	Snowe
Casey	Merkley	Udall (NM)
Coons	Mikulski	Whitehouse
Feinstein	Murkowski	Wyden

NAYS—66

Alexander	Coats	Franken
Ayotte	Coburn	Graham
Barrasso	Cochran	Grassley
Baucus	Collins	Hagan
Bennet	Conrad	Harkin
Bingaman	Corker	Hatch
Blunt	Cornyn	Hoeben
Boozman	Crapo	Hutchinson
Burr	DeMint	Inhofe
Carper	Durbin	Inouye
Chambliss	Enzi	Isakson

Johanns	McCaskill	Sessions
Johnson (SD)	McConnell	Shelby
Johnson (WI)	Moran	Stabenow
Klobuchar	Nelson (NE)	Tester
Kohl	Nelson (FL)	Thune
Kyl	Paul	Toomey
Landrieu	Portman	Udall (CO)
Lee	Pryor	Vitter
Lugar	Risch	Warner
Manchin	Roberts	Webb
McCain	Rubio	Wicker

NOT VOTING—1

Kirk

The amendment (No. 2156), as modified, was rejected.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, we have done very well today. We have 2½ pages, and we almost have a page of our amendments finished. We are going to have 2 hours of debate of the time set forth for the resolution of disapproval. That will start at 7:50 tonight or thereabouts. One of the Senators agreed to take a voice vote, and that saved us 15 minutes. So we gave them 10 minutes off.

If everybody will look at these amendments, we have to finish this bill and flood insurance this week. We have to do that. I don’t want to be crying wolf that we are going to have to be here Friday. We need to finish our work, and we can do that. People have been here, and we have finished some of our votes before the time even expired. That is difficult. The floor staff has a difficult time recapping the votes, but everybody did a good job.

I hope one of the things we can look at is that perhaps Senators BOXER and INHOFE could look at giving back an hour of their time for debate. I think virtually everybody knows how they will vote on this issue. The debate could be stunning and somebody could change, but I doubt it. If they will consider giving back an hour of their time out of the 4, it will help us.

I don’t want to be here until 2 o’clock Friday morning. I don’t want to do that. I hope we can work through this. We will have a limited amount of morning business tomorrow and we will start voting as soon as we can and we will move quickly like we have today. I ask everybody to look at the amendments and see if they are willing to take a voice vote. We are going to stop voting at about 7:50 p.m.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

AMENDMENT NO. 2263

Mr. DEMINT. Mr. President, I call up amendment No. 2263.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes an amendment numbered 2263.

The amendment is as follows:

(Purpose: To maintain funding at current levels for programs providing access to broadband telecommunications services in rural areas)

On page 770, strike lines 7 through 11 and insert the following:

(7) in subsection (k)(1), by striking “2012” and inserting “2017”; and

The PRESIDING OFFICER. There will be 2 minutes of debate, equally divided, on the amendment.

Mr. DEMINT. Mr. President, the President's 2013 budget asks for about \$9 million for the Rural Utility Service to expand broadband services in rural areas. The average spending over the last 10 years for that service is about \$14 million. The current level of spending is at \$25 million. If anything, given our \$16 trillion in debt, one would think we would come in somewhat below that. But the farm bill doubles our current level from \$25 million to \$50 million.

My amendment keeps spending at the \$25 million level. That is the least we can do, given the President has asked for \$9 million. The average is \$14 million, and we are now at \$25 million. We at least need to keep it there.

I encourage my colleagues to have a brief moment of fiscal sanity and vote for my amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I rise to oppose the amendment that would cut funding for critical programs for small businesses in rural communities across the country. In the 1930s and 1940s we made a commitment to rural electrification and extended what was a fairly new technology to communities across the country. We had a boom in innovation and economic growth.

Our country no longer has a divide between urban "haves" and rural "have-nots" as a result of that. Today, the Internet is the new dividing line. Too many communities still don't have access to high-speed broadband Internet for businesses in these locations. It is a real competitive disadvantage for them, especially in a global economy.

I urge that we support what we have done to invest in small businesses and the ability to connect. We don't need the new urban "haves" and rural "have-nots." This is about investing in rural communities.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. DEMINT. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

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

The result was announced—yeas 45, nays 54, as follows:

[Rollcall Vote No. 136 Leg.]

YEAS—45

Alexander	Barrasso	Boozman
Ayotte	Blunt	Brown (MA)

Burr	Hatch	Moran
Chambliss	Heller	Paul
Coats	Hoeven	Portman
Coburn	Hutchison	Risch
Cochran	Inhofe	Roberts
Collins	Isakson	Rubio
Corker	Johanns	Sessions
Cornyn	Johnson (WI)	Shelby
Crapo	Kyl	Snowe
DeMint	Lee	Thune
Enzi	Lugar	Toomey
Graham	McCain	Vitter
Grassley	McConnell	Wicker

NAYS—54

Akaka	Hagan	Murray
Baucus	Harkin	Nelson (FL)
Begich	Inouye	Nelson (NE)
Bennet	Johnson (SD)	Pryor
Bingaman	Kerry	Reed
Blumenthal	Klobuchar	Reid
Boxer	Kohl	Rockefeller
Brown (OH)	Landrieu	Sanders
Cantwell	Lautenberg	Schumer
Cardin	Leahy	Shaheen
Carper	Levin	Stabenow
Casey	Lieberman	Tester
Conrad	Manchin	Udall (CO)
Coons	McCaskill	Udall (NM)
Durbin	Menendez	Warner
Feinstein	Merkley	Webb
Franken	Mikulski	Whitehouse
Gillibrand	Murkowski	Wyden

NOT VOTING—1

Kirk

The amendment (No. 2263) was rejected.

The PRESIDING OFFICER. The Senator from North Carolina.

AMENDMENT NO. 2366

Mrs. HAGAN. Mr. President, I call up Hagan amendment No. 2366.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from North Carolina [Mrs. HAGAN] proposes an amendment numbered 2366.

Mrs. HAGAN. I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To require the Risk Management Agency and the Federal Crop Insurance Corporation to use plain language and a website to make crop insurance more accessible)

At the end of title XI, add the following:

SEC. 110 . . . GREATER ACCESSIBILITY FOR CROP INSURANCE.

(a) FINDINGS.—Congress finds that—

(1) due to changes in commodity and other agricultural programs made by the Agriculture Reform, Food, and Jobs Act of 2012, it is more important than ever that agricultural producers be able to fully understand the terms of plans and policies of crop insurance offered under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.); and

(2) proposed reductions by the Secretary in the number of State and local offices of the Farm Service Agency will reduce the services available to assist agricultural producers in understanding crop insurance.

(b) REQUIREMENT FOR USE OF PLAIN LANGUAGE.—

(1) IN GENERAL.—In issuing regulations and guidance relating to plans and policies of crop insurance, the Risk Management Agency and the Federal Crop Insurance Corporation shall, to the greatest extent practicable, use plain language, as required under Executive Orders 12866 (5 U.S.C. 601 note; relating to regulatory planning and review) and 12988 (28 U.S.C. 519 note; relating to civil justice reform).

(2) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the efforts of the Secretary to accelerate compliance with the Executive Orders described in paragraph (1).

(c) WEBSITE.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the approved insurance providers (as defined in section 502(b) of the Federal Crop Insurance Act (7 U.S.C. 1502(b)), shall improve the existing Internet website through which agricultural producers in any State may identify crop insurance options in that State.

(2) REQUIREMENTS.—The website described in paragraph (1) shall—

(A) provide answers in an easily accessible format to frequently asked questions; and

(B) include published materials of the Department of Agriculture that relate to plans and policies of crop insurance offered under that Act.

(d) ADMINISTRATION.—Nothing in this section authorizes the Risk Management Agency to sell a crop insurance policy or plan of insurance.

The PRESIDING OFFICER. There will be 2 minutes of debate equally divided.

Mrs. HAGAN. Mr. President, as everyone knows, Federal crop insurance policies are extremely technical and complex. My amendment seeks to give farmers additional access to clear, concise information about crop insurance policies and programs approved by the USDA.

This commonsense amendment seeks to accomplish this goal in two ways:

First, it will require the Secretary of Agriculture to report back to Congress on the status of the agency's effort to comply with the President's Executive order to require the use of plain language. My hope is that this simple measure will force USDA to move quickly to provide information necessary for our farmers in North Carolina and other parts of the country to make informed decisions about signing up for the crop insurance plans that meet their specific needs.

Second, my amendment requires the Risk Management Agency to improve its existing Web site so that agriculture producers in any State can access easily understandable information on crop insurance.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. HAGAN. I urge my colleagues to support this commonsense amendment.

The PRESIDING OFFICER. Who yields time?

Ms. STABENOW. Mr. President, on behalf of the ranking member and myself, I yield back the time.

It is my understanding that we may proceed with a voice vote on this amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 2366) was agreed to.

AMENDMENT NO. 2262

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. Mr. President, I call up my amendment No. 2262.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes an amendment numbered 2262.

(Purpose: To express the sense of the Senate that nothing in this Act or an amendment made by this Act should manipulate prices or interfere with the free market)

At the appropriate place, insert the following:

SEC. _____. SENSE OF THE SENATE.

It is the sense of the Senate that nothing in this Act or an amendment made by this Act should manipulate prices or interfere with the free market.

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided.

Mr. DEMINT. Mr. President, this amendment is a sense of the Senate that reflects what all of us talk about not just with the farm bill but with the whole U.S. economy—the importance of a free market and letting our competitive system work.

This amendment says that nothing in the farm bill would interfere with the free market by setting prices or doing anything that I think all of the proponents of the bill say it will do—that it will protect the free market.

So it is a sense of the Senate, and I agree to a voice vote on this, but I encourage my colleagues to add their voice to the free market system and support this amendment.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, on behalf of the ranking member and myself, I yield back all time, and we both agree to a voice vote.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 2262) was agreed to.

AMENDMENT NO. 2187

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I call up my amendment No. 2187.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Massachusetts [Mr. KERRY] proposes an amendment numbered 2187.

(Purpose: To extend eligibility for certain emergency loans to commercial fishermen)

On page 398, line 1, insert “(including a commercial fisherman)” after “farmer”.

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided.

Mr. KERRY. Mr. President, this is an amendment on behalf of myself, Senator MURKOWSKI, Senator BROWN, and others.

In these very difficult economic times, we have also had a problem for the fishermen of the Northeast and in other parts of the country where the fishing stocks have been greatly re-

duced for a lot of different reasons, and a lot of fishermen are sitting there with their boats, where they are trying to get through the season in order to be able to fish in the future, with greatly restricted fishing capacity and availability. This is not unlike farmers who wind up with crops being affected by floods and other disasters, things that take place.

All we are seeking is the ability to do away with an inequity in the law that denies fishermen access to a loan under Federal emergency loan standards for when an emergency arises and they need to have some ability to stay over.

The Congressional Budget Office determined that this amendment has no score. There is no score.

We believe commercial fishermen deserve access to the same type of assistance commercial farmers and other people in this country get. We hope colleagues will do away with this anomaly that denies them the ability to simply apply, through normal standards, for a loan.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, we yield back all time. I understand we can proceed with a voice vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2187) was agreed to.

Mr. JOHANNIS. Mr. President, Senate amendment No. 2187 offered by Senator KERRY has now been voice voted onto the farm bill. It is unfortunate that this significant change of USDA policy occurred without a recorded vote.

While it may sound innocuous to add commercial fishermen to the list of those eligible for USDA emergency farm loans, it is not without its negative implications.

Support for commercial fishermen has typically been the responsibility of the Department of Commerce. Thus, USDA has little to no experience serving commercial fishermen.

Additionally, funding for farm emergency loans is limited. Amendment No. 2187 would further dilute this limited pool of funding and divert it from its core mission—assisting our farmers and ranchers.

While this amendment may have been voice voted, I would have voted nay on this amendment had there been a recorded vote. I hope this is an issue that we can revisit and rectify in conference committee.

AMENDMENT NO. 2268

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. Mr. President, I call up my amendment No. 2268.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes an amendment numbered 2268.

(Purpose: To prohibit the Secretary from making loan guarantees)

At the appropriate place, insert the following:

SEC. _____. PROHIBITION ON PROVISION OF LOAN GUARANTEES.

Notwithstanding any other provision of this Act, including any amendment made by this Act, no loan guarantee may be provided by the Secretary or any other Federal official or agency for any project or activity carried out by the Secretary.

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided.

Mr. DEMINT. Mr. President, as we look at some of the loan guarantees—such as Solyndra—that have gone bad, this amendment would prohibit loan guarantees for the farm bill. There are many programs that guarantee loans that expose the American taxpayers to millions of dollars. This bill would prohibit those guarantees—not prohibit the programs themselves and the crop insurance and things farmers count on but just the liability we put on the American taxpayers. CBO has said loan guarantees do cost the taxpayers money. So I encourage my colleagues to support this amendment and save the American taxpayers from this additional liability.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I rise to oppose this amendment. The FDA loan guarantees are critical to our farmers, our rural small businesses, and community banks in small towns across the country. The loan guarantee programs help support commercial and farm credit lending when farmers and ranchers face tough times. It is also an important program to help beginning farmers and ranchers who don't have a long history of credit but who are certainly qualified to receive loans to start their operations.

We know that the average age of an American farmer is 57 years and that one-quarter of our farmers are 65 years of age or older. If agriculture in America is going to survive, we need to have young people engaged in farming. This amendment would make it much harder. So I oppose the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. DEMINT. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. I announce that the Senator from Iowa (Mr. HARKIN) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

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

The result was announced—yeas 14, nays 84, as follows:

[Rollcall Vote No. 137 Leg.]

YEAS—14

Ayotte	Graham	McCain
Burr	Inhofe	Paul
Coburn	Johnson (WI)	Rubio
Corker	Kyl	Toomey
DeMint	Lee	

NAYS—84

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

NOT VOTING—2

Harkin Kirk

The amendment (No. 2268) was rejected.

The PRESIDING OFFICER. The Senator from Louisiana.

AMENDMENT NO. 2321

Ms. LANDRIEU. Mr. President, I call up my amendment No. 2321.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU] proposes an amendment numbered 2321.

The amendment is as follows:
(Purpose: To move a section from the rural development title to the credit title)

On page 508, strike lines 13 and 14 and insert the following:

“SEC. 3430. PROHIBITION ON USE OF LOANS FOR CERTAIN PURPOSES.

“(a) IN GENERAL.—Except as provided in subsections (b) and (c), the Secretary may not approve a loan under this subtitle to drain, dredge, fill, level, or otherwise manipulate a wetland (as defined in section 1201(a) of the Food Security Act of 1985 (16 U.S.C. 3801(a))), or to engage in any activity that results in impairing or reducing the flow, circulation, or reach of water.

“(b) PRIOR ACTIVITY.—Subsection (a) does not apply in the case of—

“(1) an activity related to the maintenance of a previously converted wetland; or

“(2) an activity that had already commenced before November 28, 1990.

“(c) EXCEPTION.—This section shall not apply to a loan made or guaranteed under this subtitle for a utility line.

“SEC. 3431. AUTHORIZATION OF APPROPRIATIONS AND ALLOCATION OF FUNDS.

Beginning on page 750, strike line 14 and all that follows through page 751, line 6.

The PRESIDING OFFICER. There will now be 2 minutes of debate, equally divided.

Ms. LANDRIEU. Mr. President, I don't believe there is any opposition to

this amendment, but I would like a minute to explain. Under current law, any rural development project is automatically excluded from even applying for a loan under current law. That was not the intention of the farm bill, but it was put in the farm bill, the last one. I would like to remove that language so small rural communities of 20,000 or less can apply to build a hospital, fire station, et cetera.

They do not have to be given the permit. They still need to get the wetland permit from the Corps of Engineers, but this removes an automatic prohibition. The agriculture department supports it. I do not believe there is any opposition, and I thank the Chair and ranking member.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, we agree to a voice vote.

The PRESIDING OFFICER. Who yields time?

Ms. STABENOW. I yield the remainder of the time.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the amendment.

The amendment (No. 2321) was agreed to.

AMENDMENT NO. 2276

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. Mr. President, I believe this will be the last vote of today, DeMint amendment 2276.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes an amendment numbered 2276.

The amendment is as follows:
(Purpose: To prohibit mandatory or compulsory check off programs)

At the appropriate place, insert the following:

SEC. ____ . PROHIBITION ON MANDATORY OR COMPULSORY CHECK OFF PROGRAMS.

No program to promote and provide research and information for a particular agricultural commodity without reference to specific producers or brands (commonly known as a “check-off program”) shall be mandatory or compulsory.

The PRESIDING OFFICER. There will now be 2 minutes of debate, equally divided.

Mr. DEMINT. Mr. President, this amendment would give individual businesses and small farmers the freedom to refrain from joining 1 of the 19 check-off programs against their will. Right now, a lot of businesses are forced into programs they do not want to be a part of. As a lot of us know, a lot of the large corporate farmers, a lot of large businesses love to form these check-off programs to force the smaller companies to pay into them.

This just makes it strictly voluntary, so any company that wants to be a part of this, any farmer who wants to be a part of it, can. But it makes no sense to continue to force small businesses

into these check-off programs against their will.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I would urge my colleagues to oppose this amendment that would prohibit the zero cost check-off programs. These programs are funded by the private industry, not taxpayers. They are incredibly beneficial to farmers and businesses who want to help market their products. For example, the “Got Milk” campaign came from a check-off program used by the dairy industry. The “Incredible Edible Egg” is another one. No single egg farmer is going to have the resources to run a national television ad encouraging folks to eat more eggs.

Let's be clear. This is a program that commodity groups vote on and agree to. The “Got Milk” campaign happened because dairy farmers got together, voted, and decided they wanted to go ahead and do research and a promotion program. Let's not take the ability for the industry to come together, pool their own money, and market their product.

I would urge a “no” vote and ask for the yeas and nays.

Mr. DEMINT. How much time do we have?

The PRESIDING OFFICER. The Senator from South Carolina has 10 seconds.

Mr. DEMINT. I will remind everyone that while it is not taxpayer money, we are forcing businesses to do things they don't necessarily want to do. My amendment would allow any business to join the check-off program voluntarily. That is the American way.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

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

The result was announced—yeas 20, nays 79, as follows:

[Rollcall Vote No. 138 Leg.]

YEAS—20

Ayotte	Graham	McConnell
Brown (MA)	Hatch	Murkowski
Burr	Heller	Paul
Coats	Johnson (WI)	Rubio
Coburn	Kyl	Sessions
Cornyn	Lee	Toomey
DeMint	McCain	

NAYS—79

Akaka	Blunt	Chambliss
Alexander	Boozman	Cochran
Barrasso	Boxer	Collins
Baucus	Brown (OH)	Conrad
Begich	Cantwell	Coons
Bennet	Cardin	Corker
Bingaman	Carper	Crapo
Blumenthal	Casey	Durbin

Enzi	Leahy	Rockefeller
Feinstein	Levin	Sanders
Franken	Lieberman	Schumer
Gillibrand	Lugar	Shaheen
Grassley	Manchin	Shelby
Hagan	McCaskill	Snowe
Harkin	Menendez	Stabenow
Hoeven	Merkley	Tester
Hutchison	Mikulski	Thune
Inhofe	Moran	Udall (CO)
Inouye	Murray	Udall (NM)
Isakson	Nelson (NE)	Vitter
Johanns	Nelson (FL)	Warner
Johnson (SD)	Portman	Webb
Kerry	Pryor	Whitehouse
Klobuchar	Reed	Wicker
Kohl	Reid	Wyden
Landrieu	Risch	
Lautenberg	Roberts	

NOT VOTING—1

Kirk

The amendment (No. 2276) was rejected.

Mrs. FEINSTEIN. Mr. President, I rise to express my deep disappointment that the Senate will not be considering amendment No. 2252, the Egg Products Inspection Act Amendments of 2012.

Unanimous consent was required for this amendment to be voted on, but it is my understanding that there were objections to its consideration.

That is unfortunate because this was a bipartisan amendment cosponsored by Senators BLUMENTHAL, SCOTT BROWN, CANTWELL, COLLINS, KERRY, LIEBERMAN, MENENDEZ, MERKLEY, MURRAY, SANDERS, VITTER, and WYDEN.

The amendment was supported by the vast majority of the egg industry, and it was supported by the vast majority of animal welfare organizations.

The major opposition to this amendment came from groups wholly unaffected by it.

Without Congressional action, the egg industry in California and the rest of this Nation is very much in jeopardy. Individual State standards threaten to cripple the industry.

That is why I introduced this amendment—to give the industry a chance to survive.

The amendment would have set a national standard for the treatment of egg-laying hens and would have established standards for egg labeling.

Let me briefly explain the specifics:

The size of new and existing hen cages would have had to be increased over the next 18 years.

The practice of depriving hens of food and water to increase egg production would have been outlawed.

Minimum air quality standards would have been put in place for hen houses, protecting workers and birds.

And clear requirements for egg labeling would have been created, so consumers know whether the eggs they buy come from hens that are caged, housed in enriched cages, cage-free or free range.

As I said earlier, this bill is strongly supported by the Nation's largest egg producer organization, the United Egg Producers. And it is supported by the largest animal welfare organization, the Humane Society of the United States.

After years of disagreement, the Humane Society and the egg producers de-

ecided to work together, and they were able to agree on a reasonable and practical compromise. The text of this amendment is the product of their negotiations.

The reason for the compromise is clear: The current laws governing the treatment of egg-laying hens and the labeling of eggs vary from State to State. This makes it difficult for producers to do business in multiple States.

In 2008, California voters passed Proposition 2 with 64 percent of the vote. This initiative requires egg producers to increase cage size so that the birds can stand up and extend their wings.

Similar initiatives passed in Michigan, Arizona, Washington, Ohio and Oregon. And there may be more if Federal legislation is not enacted.

The result of the varying State laws is that producers will not be able to ship eggs freely across State lines.

The amendment would have addressed this problem by setting a single national standard that is consistent with the existing State laws. And it would have given consumers peace of mind knowing that eggs were raised humanely. It should have been a win-win and an example of what can happen when groups decide to work together.

But instead, a group of unaffected parties decided to make this amendment a rallying cry, and they spread mis-information about what this amendment would really do and who it would really impact.

I understand that many of my colleagues have heard from these other industries. Even though this amendment will not come up, I still want to set the record straight.

The first misconception is that this amendment will set precedent beyond egg producers and impact other industries such as pork, beef, or poultry.

Let me be clear. This amendment applies only to egg producers and is the result of careful negotiations between the only industry that is impacted and animal welfare groups.

Regulations governing eggs date back 30 years and have had no effect on other industries to date. For instance, the FDA has on-farm enforcement authority for egg farms but not for meat or poultry farms. This amendment will not change that.

Furthermore, the meat industry has insisted on preemption of State laws and emphasized the importance of national standards for decades. This legislation applies the same principle to the egg industry.

Another argument I hear is that this bill will hurt small producers.

But small producers—farmers with 3,000 birds or fewer—are exempt from the requirements under this amendment.

Even moderate-sized operations, with more than 3,000 birds, have built-in protections—most notably the long phase-in period—up to 18 years.

Over such a long period, many producers would have replaced existing

cages due to normal wear and tear. This amendment will just require producers to purchase slightly larger cages in the coming years.

Even the smallest companies can plan for an investment 18 years out.

This amendment will have positive effects for all producers by providing certainty about the rules with which they must comply.

All producers, regardless of size, face a disadvantage when there is a complicated web of different State regulations.

A third misconception is that this amendment is not based on sound science. Nothing could be farther from the truth.

The amendment is endorsed by the American Veterinary Medical Association, the Association of Avian Veterinarians, the American Association of Avian Pathologists, the Center for Food Safety, and the Center for Science in the Public Interest.

Multiple studies demonstrate that larger, enriched colony cages result in decreased mortality, decreased contamination, and increased egg production.

One survey from Feedstuffs magazine found that hen mortality in larger, enriched cages declined by 45 percent compared to conventional battery cages.

The survey also found that the number and quality of eggs per hen improved, from an average of 399 eggs to 421 in enriched cages.

The weight-per-case of eggs also increased, from 47.93 pounds to 49.4 pounds.

I ask my colleagues to look at the data before jumping to conclusions. This amendment is good for animals and good for the industry.

Finally, I want to set the record straight with regard to consumers and egg prices. A new study released last week by the consulting firm Agralytica found that this amendment would not have a substantial effect on consumers.

Between 2013 and 2030, egg prices are expected to increase only 1 percent as a result of this amendment.

A 1-percent increase translates to about a penny and a half per dozen eggs, or one-eighth of 1 cent per egg.

The Agralytica study attributes the low impact to the long phase-in period, giving producers ample time to adjust to the new requirements.

The bill has been endorsed by the Consumer Federation of America and the National Consumers League.

And it is important to understand that this amendment captures what is already occurring with consumer demand.

Polls indicate broad support for the provisions in this amendment. The survey found that:

Consumers support this bill by a 4-to-1 margin;

Consumers prefer a Federal standard over State standards by a 2-to-1 margin; and,

92 percent of consumers support the industry transitioning to enriched cages.

It is not often that we have the opportunity to enact legislation that helps industry, reflects consumer demand, and is supported by a broad coalition of advocates on both sides of an issue. If my colleagues have any doubts about the support for this bill, take a look at the list of supporters. As of today it is 13 pages long.

We wouldn't have gotten this far if it weren't for the strong support and leadership of the United Egg Producers. Without this amendment, the livelihood of the egg producers nationwide will be compromised by the confusing tapestry of State laws.

We had the opportunity to fix this problem before more damage is done—so the fact that we are not even going to consider the amendment makes it all the more disappointing.

The egg industry was prepared to make these investments, and animal welfare advocates and consumers will approve of the end result.

This was a reasonable and widely supported solution to a costly problem.

I hope to work with my colleagues on both sides of the issue to have this legislation considered at a later date. The future of the industry is dependent on it, and I am confident we will be able to get there.

Thank you Mr. President, I yield the floor.

AGRICULTURE

Mr. LIEBERMAN. Mr. President, I wish to engage my colleague, Senator STABENOW, in a colloquy.

I thank Senator STABENOW and the other members of the Senate Committee on Agriculture, Nutrition and Forestry for their collective efforts in passing S. 3240, the Agriculture Reform, Food and Jobs Act of 2012. This bill promises to save taxpayers money and concentrate funds in the areas in which they will have the greatest impact, making them work better for producers.

As the Senator knows, Long Island Sound, LIS, and its watershed contain some of the most important farm, forest, and water resources in the country. The estuary is home to a historically significant and now burgeoning aquaculture industry. The Sound provides natural habitats to more than 1,200 species of invertebrates, 170 species of fish, and hundreds of species of migratory birds. Commercial and recreational shellfishers harvest oysters, crabs, and lobsters from its waters. More than 23 million people live within 50 miles of the Sound. The estimated annual value to the local economy of LIS is \$8.91 billion. Federal, State, and local partners operate together throughout its six-State watershed using formal, shared priorities that provide a strong basis for applying conservation practices to improve soil and water quality, farm and producer productivity, and to restore wetlands and wildlife habitat. The Sound and its watershed are recognized by NRCS as a multistate partnership area. The watershed's major river, the Connecticut

River, was just designated as the Nation's first Blueway.

Is it the Senator's intent to provide a framework where strong partnerships between producers and conservation organizations, like exist in the Long Island Sound watershed, can succeed by putting forth projects that work to achieve locally or regionally established goals and metrics?

Ms. STABENOW. I thank Senator LIEBERMAN for his leadership on environmental issues facing his State and the Long Island Sound. Yes, that is my intent through the Regional Conservation Partnership Program.

Mr. LIEBERMAN. I thank the Senator for her leadership and assistance and cooperation in ensuring that the intent of this important bill is allowed to be carried out in areas where greatest impact will result.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. I ask unanimous consent that Bennet-Crapo amendment No. 2202, which has been cleared by both sides, be in order.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from California.

UNANIMOUS CONSENT AGREEMENT S.J. RES. 37

Mrs. BOXER. Mr. President, I ask unanimous consent that the time for debate this evening on the motion to proceed to S.J. Res. 37 be in order, even though the motion to proceed will not be made until Wednesday's session.

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

Mrs. BOXER. Mr. President, I am going to make a unanimous consent request that Senator CARPER open this debate—and I give thanks to Senator INHOFE for allowing that—for 8 minutes, and then Senator INHOFE will use 15 minutes at his discretion. Then we will go to Senator SHAHEEN for up to 10 minutes. Then we go back to Senator INHOFE for another 15 minutes from his side, and then our side will be Senator LAUTENBERG for 10, Senator MERKLEY for 10, and Senator WHITEHOUSE for 10.

Mr. INHOFE. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. It is my understanding that we would have our three speakers after that, but not necessarily restricted to 5 minutes. It will not be much more than that. But since our speakers will be speaking in these three sessions, I would like a little latitude, maybe 6 or 7 minutes on those three.

Mrs. BOXER. Why not give us an exact time. I think it is important. So we are saying instead of 15 minutes of time—I would just say some of my people—can the Senator from Oklahoma take the first segment for 15 minutes—because I know Senator SHAHEEN is going to be waiting to speak—and then we will give you 20 minutes after that?

Mr. INHOFE. For my three who come after Senator CARPER, 6 minutes apiece.

Mrs. BOXER. So 18 minutes.

Mr. INHOFE. Yes.

Mrs. BOXER. OK. Then we will go to Senator SHAHEEN for 10 and back to Senator INHOFE for 18 minutes.

Mr. INHOFE. Yes, that would be fine.

Mrs. BOXER. All right. Then the others will have 10 minutes apiece after that.

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

The Senator from Delaware.

Mr. CARPER. My thanks to Senator BOXER and to Senator INHOFE.

Over the years, I have been privileged to hold a bunch of different jobs, including newspaper boy, pots-and-pan man in college, naval flight officer, and Governor of my State, just to name a few. The most cherished and important job I have ever held is that of the role of father. I am blessed with three wonderful sons who make me proud and thankful every day.

Celebrating Father's Day this past weekend, I was reminded that a major motivator in my own life has been my love for our boys and my desire to make the world a better place for them. Today, 2 days later, I am reminded of just how important this clean air fight is for my children and for children across the country.

Unbeknownst to a lot of us, our children actually listen to what we say. More importantly, they watch just about everything we do. They notice the choices we make and the company we keep. They hear us talk about playing by the rules and treating others the way we would like to be treated. They watch carefully to see if we actually practice what we preach—if we play fair, and if we do try to follow the Golden Rule as we go about our lives. They hear us talk about chores, homework, and responsibility, but they watch to see if we actually pitch in and do our fair share.

It strikes me that much of the country's ongoing efforts to clean up the air pollution is about playing fair and doing our share. My home State of Delaware has done our homework and worked hard on that front and, as a result, we have made great strides in cleaning up our own air pollution. Unfortunately, a number of the upwind States to the west of us have not made the same commitment to clean air. In fact, 90 percent of Delaware's pollution comes from our neighboring States. This pollution endangers our hearts, lungs, and brains, and it costs us a great deal in medical bills and in the quality of our lives.

Some of this air pollution, such as poisonous mercury, settles into our streams and our fish, threatening the health of this generation and generations to come. That doesn't sound like the Golden Rule to me.

Even though the First State is doing its part to protect our air and public health, some of our neighbors are not. Yet those of us who live at the end of America's tailpipe end up suffering. It just is not fair.

Fortunately, Federal clean air protections established by the Clean Air Act have been created to right that wrong. These protections were forged by both Democrats and Republicans who believe that playing fair and doing our share when it comes to cleaning up America's air is profoundly important.

The Clean Air Act, signed by President Richard Nixon in 1970 and updated in 1990 by President George Herbert Walker Bush, was approved each time by Congress with overwhelming bipartisan support. In fact, many in this Congress on both sides of the aisle supported the passing of the Clean Air Act Amendments of 1990. Those Members include my friends, Senator BOXER and Senator INHOFE, and me.

This landmark law to protect public health and the environment has proven time and again to be a success. In fact, I am told the Clean Air Act delivers about \$30 of health savings for every \$1 we invest in clean air—not a bad return on our investment. Moreover, the Clean Air Act has helped create hundreds of thousands of jobs in new technologies as America develops clean air solutions that our businesses can export around the globe.

The bipartisan vision embodied in our Nation's clean air laws has been translating into healthier, longer, and more productive lives for millions of Americans.

While much of the Clean Air Act has been in place improving health for years, some key aspects of the law have never been implemented. They include requirements to reduce deadly mercury and other toxic air emissions from some of our oldest and dirtiest coal-fired plants. These toxic air pollutants are known to cause cancer, neurological damage, and other health concerns.

One example of particular concern is mercury. Up to 10 percent of child-bearing women in this country have unsafe levels of mercury in their bodies. Today, all 50 States have mercury fish consumption advisories. In fact, there are more fish consumption advisories in the United States for mercury than for all other contaminants combined.

Uncontrolled coal-fired utilities are our largest source of mercury in this country. Fortunately, current control technology can dramatically reduce mercury emissions and mercury in our local environments.

This is why Senator ALEXANDER, several of our colleagues, and I have been trying for years to reduce emissions through legislation. It is also why 18 States have their own powerplant mercury standards. Yet, until recently, we lacked a Federal standard.

Last December, after years of delay, the EPA finally implemented—under court order—Clean Air Act protections to require dirty coal powerplants to clean up their mercury and air toxic emissions. The EPA did so through something called the mercury and air toxics standards rule.

By targeting our Nation's largest sources of mercury emissions, this regulation requires dirty coal plants to reduce their mercury emissions by 90 percent. This will reduce the mercury that contaminates our streams and oceans, pollutes our fish, and harms our children's health.

In implementing these long overdue regulations, the EPA has provided a reasonable and achievable schedule for our powerplants to reduce these harmful emissions. EPA's new standard gives utilities until 2016 to comply. The EPA has also made it clear it is willing to give companies 2 additional years to address reliability concerns if needed. Delaware's powerplants have already met these standards. So do half of the powerplants throughout America. Most communities will see great benefits from these rules, and I am told that nationally we will see up to \$90 billion in public health benefits.

As someone who tried for years to work across the aisle to find a way to clean up our Nation's powerplants, I welcomed the EPA's decision to act to finally address these harmful emissions.

Regrettably, some of our colleagues do not share the appreciation that many of us feel for the EPA's efforts to protect public health and our environment. They want to prevent these efforts from moving forward, despite court orders requiring the EPA to do just that. I find it remarkable that some in Congress would seek to prevent the EPA from following through on a law passed overwhelmingly by Congress 22 years ago and signed by a Republican President.

The EPA is doing what Congress told them to do over two decades ago. If we let them do their job, their efforts will reduce harmful pollution and improve the health of generations of children to come.

As much as I hate to say it, given my friendship with the author of this proposal, a vote for this Congressional Review Act would delay any real hope we have of cleaning up our largest source of mercury. A vote for the Congressional Review Act signals uncertainty and a lack of commitment—a commitment to make good on the law we passed overwhelmingly 22 years ago to protect public health in this country.

We cannot afford to delay the mercury and air toxics rule. This is the time to modernize our energy fleet. This is the time to clean up our dirtiest, most inefficient plants. And this is the time to clean up our rivers, lakes, and streams so that all children can look forward to living healthier lives.

So today I rise in strong opposition to this last-ditch effort to prevent the EPA from doing its job—a job we should have done—and reducing these deadly emissions, and I hope my colleagues will join us. My decision to oppose this effort is not based solely on the fact that I am a dad—like a lot of our colleagues here—but knowing that the implementation of this rule will

positively impact the lives and health of my sons weighs heavily on my mind. It should weigh heavily on the minds of all of us.

Our children really do hear us when we talk to them and to others. They are watching today to see if we really walk the walk. Whether we are Democrats, Independents, or Republicans, we are still mothers and fathers, aunts and uncles, grandfathers and grandmothers. So let's continue to lead the way by following the Golden Rule this day. Let's treat our neighbors as we would like to be treated, and let's work together across America to keep the Clean Air Act resilient and strong and to make our air cleaner. Our children and their children are counting on us.

Thank you, Mr. President.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I would ask that the Senator from Nebraska Mr. JOHANNIS be recognized for 7 minutes.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. JOHANNIS. Mr. President, I rise today to support S.J. Res. 37. The rule addresses emissions from powerplants. However, in my judgment, this rule goes too far, too fast, and tries to achieve too much in too little time, at too high a cost to our families.

Oftentimes, we hear concerns in my office about rules and regulations. Too often, those rules and regulations come from the EPA. And when EPA rules are the topic, sometimes I have to ask: Which EPA rule are you talking about? Because, let's face it, the list of EPA job-killing regulations is downright dizzying.

However, this resolution addresses only one, which hammers coal-fired electricity generation, especially large coal-fired plants.

In Nebraska's case, the rule would require the addition of expensive new equipment to control particulate matter and certain exhaust gases. Well, how expensive would these additions be? One of our States's largest utilities has estimated they would need to spend about \$900 million to \$1.3 billion over the next 3 years to get into compliance. So one might ask, where is that money going to come from? Well, in our State, every single penny of these capital expenditures comes directly from users—essentially every Nebraskan. You see, in our State, the State of Nebraska, we are 100 percent public power. That means no stockholders, no shareholder equity, no profits to draw down.

How quickly would they need to come up with that money? The compliance period is just 3 years. These are major projects, so 3 years is not an adequate timeline. Now, 3 years may sound like plenty of time to some, but the actual process that needs to occur, all in a specific sequence, makes a 3-year timeline especially challenging. Preliminary engineering comes first,

then financing, then opening the projects for bidding, and bidding, and then determining whether compliance with bidding has occurred before you could even start the project. For public power, there are rules and procedures that control each one of these steps. In other words, there is no shortcut.

Normally, our utilities try to get these projects done in the periods known as the shoulder months. In Nebraska, these are the months of early spring and early fall—before the summer heat hits the Midwest and before the winds of winter knock at our door and take temperatures down. If the compliance schedule precludes the powerplant from using these shoulder months, then the project costs go up because of the need to buy power from outside of the system. So what does that mean? It means we are faced with compliance that is nearly impossible. And the compliance dates keep changing. The cross-State air pollution rule—another rule the EPA has finalized just in the last several months—was put on hold by a Federal court after many States affected by the rule challenged the EPA. And we may hear any day now as to whether the court will tell EPA to go back to the drawing board and rewrite the rule.

But the main point is that the stream of rules coming out of EPA is huge and compliance is nearly impossible. In Fremont, NE, a Nebraska city manager described it this way:

Smaller utilities in rural areas . . . will have difficulty in getting vendors and contractors to supply and install the equipment in this timeframe. Being Public Utilities we have to follow a public letting process and cannot just negotiate a design build contract with a contractor as an investor owned utility can.

So what happens to Fremont's 26,000 residents? Well, they will face rate increases of between 20 and 25 percent to cover the compliance costs of this rule, when combined with the requirements of two other rules. Increasing electricity bills by one-fourth is huge. It is a huge impact on Fremont families.

The city of Grand Island, NE, estimates that the Utility MACT rule will cost \$35 million and require 3 to 5 years of planning and financing and construction.

For Hastings, NE, the same sobering outlook—big expense, rushed timeframe, and a worried community trying to figure out how they pay for it. For Hastings alone, the costs of compliance with this rule and the cross-State rule are estimated to be \$95 million over 5 years. Now, Hastings has 25,000 residents. You do not need a degree in economics to know this is an enormous burden for the small businesses, small manufacturers, and households. They will carry the load.

So the vote for this resolution is a vote to tell EPA their approach is not achievable. It cannot work. It is a vote that means there is substantial opposition to the rule and the country does not support EPA.

It is also important to note what this vote is not. No. 1 and most significantly, this is not a vote against clean air. Everybody in my State wants clean air. Everybody wants to comply. They just want some clear, achievable rules on a timeline that is reasonable. The Agency needs to go back to the drawing board.

No. 2, this resolution does not strip EPA of its power. If the resolution passes, EPA would not be barred from trying another rule—

The PRESIDING OFFICER. The Senator has used 7 minutes.

Mr. JOHANNIS. Let me just close by saying that I hope my colleagues will support us on this resolution.

Thank you, Mr. President.

Mr. INHOFE. Mr. President, I thank the Senator.

I now ask that the Senator from Georgia be recognized for 5 minutes.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I thank my friend from Oklahoma, and I would ask the Chair to let me know when I have utilized 4 minutes, please.

The PRESIDING OFFICER. The Chair will do so, gladly.

Mr. CHAMBLISS. Mr. President, I rise to speak out against the EPA's mercury and air toxics standards—known as Utility MACT—and in support of the resolution disapproving this rule introduced by my colleague from Oklahoma, Senator INHOFE.

This set of standards—one of the most expensive of its kind ever issued by EPA—will cause a rise in electric bills for my constituents in Georgia and for Americans all across this country. As our economy continues to stagnate, we can hardly afford to increase the cost of electricity, which will be an economic burden for individuals and businesses and will hamper economic recovery.

Higher electric bills are especially unwarranted when the regulations that will cause the electricity cost increase are expected to provide negligible benefits for the American public. The poor and individuals on fixed incomes, such as the elderly, can hardly afford higher electricity bills. These are precisely the groups disproportionately affected by Utility MACT.

EPA estimates that compliance with this rule will cost \$9.6 billion annually in 2015, which is more conservative than many industry figures. One electric company in my home State estimates that by 2014 Utility MACT could cost them up to \$250 million annually to implement. This does not take into account the hundreds of millions of additional dollars the company expects to spend on complying with existing environmental statutes and regulations. Even going by EPA's own conservative \$9.6 billion cost estimate, studies have shown that the costs will lead to job loss, both directly at utilities and indirectly through industries and manufacturers affected.

I hear every day from businesses of every size in my home State that say

the regulatory overreach of this administration threatens the very well-being of their particular business. Utility MACT is yet another example of this overreach.

Instead of promulgating a limited rule to regulate mercury and air toxics—known as hazardous air pollutants—as the title “Mercury and Air Toxics Standards” implies, EPA has extended its reach by focusing a great deal of attention on particulate matter in these standards. Particulate matter emissions, not characterized as hazardous air pollutants, are already subject to other EPA regulations, so with Utility MACT, EPA is going beyond what Congress directed the Agency to do. The extra regulations tacked on to the mercury standard add significantly to the expected cost of this rule.

Furthermore, the standards for new facilities, as set forth by Utility MACT, might very well prove to be unattainable. Due to the methodology employed by EPA to gather the data used to set the standards, even certain manufacturers of the emissions control equipment say they cannot guarantee their technology will be able to achieve the standards in practice. How can we require utilities to reduce emissions to such a level that cannot even be guaranteed achievable with current technology? It makes no sense. That will spell the end of any new coal-fired plants in the United States, drastically reducing our ability to use one of our most abundant domestic energy resources, even in more environmentally friendly ways.

The cumulative impact of these EPA rules coming down the pipeline, one after another, causes further concern. Aptly called a “train wreck” by many, by forcing the retirement of one coal-fired plant after another, these rules will put at risk the reliability of our electric supply system.

Some state that a delay in implementation, enacted through legislation or otherwise, will be a sufficient remedy. However, a delay will not address the substantive concerns with this rule as written, including the significant issue of certain standards being unattainable.

I thank my colleague from Oklahoma for introducing this disapproval resolution and showing leadership on this issue. Over 200 companies and associations have joined the Senator from Oklahoma in calling for Utility MACT to be overturned.

I urge my colleagues to support this resolution disapproving the EPA's Utility MACT rule. By doing so, we take a step toward preventing higher electricity prices and grid unreliability while preserving clean air.

The point of supporting this Congressional Review Act resolution of disapproval is to force EPA to go back to the drawing board to craft a narrower rule that properly protects human health in a manner that is not outweighed by its cost, that is actually attainable, and one that will not threaten the reliability of our electrical grid.

I yield the floor.

Mr. INHOFE. I thank the Senator. Mr. President, I ask now that the Senator from Wyoming be recognized for 6 minutes.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I rise to express my support for legislation that will force a partial cease-fire in the Obama administration's war on coal.

If we move forward with Senator INHOFE's resolution of disapproval, we will end one of the most egregious rules promulgated by an administration that, in the words of President Obama, hopes to see the price of electricity necessarily skyrocket.

Coal is our Nation's most abundant energy resource. It provides approximately half our Nation with low-cost, reliable electricity. In my State of Wyoming, more than 6,800 people are employed directly by the coal industry. They make an average salary of more than \$77,000 each year, which is \$35,000 more than the average wage in the State. When we count those employed directly and indirectly, nearly 30,000 people in Wyoming depend on the coal mining industry for jobs.

Nationwide, the numbers are much larger. The coal industry employs 136,000 people directly, with an average salary of \$73,000 per year. For every coal mining job in the United States, we see 3.5 jobs created in another part of the economy. Simply put, the coal industry puts people to work. In an economy that is struggling to recover, the coal industry provides high-paying jobs for workers in Wyoming and in other States such as West Virginia, Pennsylvania, and Virginia.

Coal provides low-cost electricity across the country that can power our Nation's manufacturing base. It provides high-paying jobs across the country at a time when our Nation's unemployment rate is at an unacceptable 8.2 percent, and the most recent jobs report shows no signs that the economy is recovering. With the tremendous benefits coal can provide, it is so puzzling to me that the administration seeks to end our use of this important, affordable energy source.

Since being sworn into office, President Obama's rulemaking machine released rule after rule designed to make it more expensive to use coal. The administration's greenhouse gas standard would make it impossible to build a new coal-fired powerplant in the United States. The stream buffer zone rule would make it more difficult to mine coal. Those are just 2 of the 11 regulations the President is considering that would grievously wound the coal mining industry and hurt an already ailing economy. In total, the regulations could cost up to \$130 billion to retrofit existing coal-fired powerplants and could, by some estimates, lead to shutting down as much as 20 percent of the existing coal-fired powerplant fleet.

Today, we have a chance to stop one of those regulations. In February, the

EPA finalized a standard that requires a strict reduction in air emissions from electric generating utilities. It is known as the Utility MACT rule. Similar to many of the rules coming from the EPA, the costs of this regulation are great and the benefits are limited. EPA estimates that the rule would create between \$500,000 and \$6 million in benefits related to mercury reductions, at a cost of nearly \$10 billion annually for implementation of the rule. The cost-benefit ratio, assuming the EPA's best-case scenario, is 1,600 to 1.

These costs will be passed on to consumers and will result in higher electricity prices. According to the Industrial Energy Consumers of America, a nonpartisan association of manufacturing companies with more than 650,000 employees, these increased costs will lessen competitiveness, threaten U.S. manufacturing jobs, and make our electric grid less reliable. It is everything not to like in a policy—all costs, no benefits.

National Economic Research Associates has studied the Utility MACT rule and found it would cause between 180,000 and 215,000 job losses by 2015. Further, it found that the Utility MACT rule would increase electricity rates by 6.5 percent on average and by as much as 19.1 percent in some areas of the country. An average household could see their electricity bills go up by at least \$400 per year—a cost that will disproportionately impact those with lower fixed incomes, such as many older Americans.

This resolution is the best opportunity to begin fighting back against President Obama's war on coal. By passing S.J. Res. 37, we can take a stand against this administration's goal of higher electricity costs. I plan to vote for Senator INHOFE's resolution and urge my colleagues to do the same.

I yield the floor and reserve the remainder of the time.

Mr. INHOFE. Mr. President, it is my understanding that we have used this element of our time. The Senator from New Hampshire will be recognized for 10 minutes, after which time we will be recognized for 18 minutes.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mrs. SHAHEEN. Mr. President, I rise in strong opposition to the efforts to nullify the Environmental Protection Agency's mercury and air toxics standards or MATS. This far-reaching resolution would severely and permanently undermine EPA's authority to protect our Nation's air from harmful and dangerous pollutants.

In New Hampshire, we have long enjoyed bipartisan cooperation when it comes to crafting policies that ensure clean air, a strong economy, and healthy citizens. We do have coal-fired powerplants in New Hampshire, but they have scrubbers on them to clean up the air. When I was Governor, we passed the pollutant bill to address mercury, and it passed with bipartisan support.

Nobody appreciates our clean air more than a woman named Lia Houk, from Henniker, NH. She has lived with cystic fibrosis for the past 40 years. In order to breathe, she must use a nebulizer three times a day and has to exercise daily to clear her lungs. When pollution poisons the air, she suffers from chest tightness and lung hemorrhaging that can lead to hospitalization. Pollution also worsens the long-term effects of cystic fibrosis, such as lung scarring, and it causes her disease to progress more rapidly.

To protect Lia and millions like her, Congress passed the Clean Air Act, and it has long been one of our most successful public health and environmental laws. Yet despite the success of the Clean Air Act, we now face efforts to prohibit the Environmental Protection Agency from regulating toxic air pollutants.

At issue are the new mercury and air toxics standards, which will require powerplants to control the pollution that affects Lia and others who suffer from respiratory problems. For the first time, the standards set Federal limits on the amount of mercury, arsenic, chromium, nickel, and acid gases that powerplants can release into our air. These standards will eliminate emissions of these poisonous chemicals from the powerplants by 90 percent by 2015.

The new nationwide standards are based on widely available pollution control technologies that are already in place at powerplants across the country. They represent a realistic, achievable goal. Yet opponents of MATS argue the environmental regulations will hurt the economy. That is simply not true. These standards will benefit our health, our economy, and our environment.

By removing the largest source of many of these toxins, the new standards will prevent an estimated 17,000 premature deaths and 11,000 heart attacks each year. America's children will be spared 120,000 asthma incidents and 11,000 cases of acute bronchitis. That is particularly important for us in the Northeast. The Presiding Officer, who is from Rhode Island, knows what this is because we are in the tailpipe of the Nation in New England in the Northeast. We get all the pollution coming out of the Midwest from those dirty powerplants. In New Hampshire, we have one of the highest children's asthma rates in the country because of that pollution.

Far from being job killers, these regulations will mean new work for the innovative American companies that supply the equipment needed for plants to comply with the law. In fact, a study by the Economic Policy Institute found that enactment of these standards would create a net gain of 117,000 jobs.

Of course, clean air is also vital to the tourism and outdoor recreation economy, which, in my State, is the second largest industry.

All the beautiful sights of our State, from the White Mountains to the Great Bay, can only be enjoyed if our air is free of smog and clean to breathe.

So as we consider whether to keep the Clean Air Act in place, we don't have to choose between helping people such as Lia or helping our economy. We can and we must do both.

I urge my colleagues to reject the resolution that Senator INHOFE has offered and to continue to protect the health and welfare of our citizens.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, the next speaker will be Senator HOEVEN for 6 minutes.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. HOEVEN. Mr. President, I rise to speak on the Utility MACT issue.

EPA's Utility MACT rule is a clear example of how overzealous regulations and a lack of a sensible energy policy are derailing investment and costing America jobs.

I support good, responsible policies to protect human health and safeguard our environment. These rules, however, need to bear the qualities of all good rules: They need to be simple, efficient, achievable, and affordable. In short, they need to make sense from both an environmental and economic perspective.

Unfortunately, as written, the Utility MACT rule—and others similar to it that the EPA is proposing—fails to find that proper balance. To the contrary, burdensome and complex new rules for the coal industry will not only discourage responsible energy growth but will prompt the complete shutdown of dozens of powerplants.

That will increase energy costs for consumers and businesses and, sadly, force thousands of hard-working Americans onto the unemployment rolls.

Utility MACT alone will require powerplants to install costly emission controls by 2015, with a pricetag for compliance of nearly \$10 billion annually.

Moreover, EPA has made it clear there will only be limited extensions to give utilities the time they need to make the changes. We now have an opportunity to vote either to retain or reject the Utility MACT rule under the Congressional Review Act.

In fact, it is exactly this kind of rule that the Congressional Review Act was designed to address, by allowing Congress to review a new regulation and overrule it if that regulation is unfair or overreaching.

So we can send the EPA back to the drawing board and insist that the Agency come up with a plan that is simpler, more affordable and, most important, that is fairer by taking into account the livelihoods of hard-working Americans and their families. That is exactly what we need to do.

In my State of North Dakota, we have a lot of coal-fired electric generation. We supply power not only to our

State but to the surrounding States as well—Minnesota, South Dakota, Montana, and well beyond. The reality is that we are producing more power, more electricity, and we are doing it with better environmental stewardship because, in our State, we have created the right legal tax and regulatory climate to stimulate that private investment, which is driving the new technology. In fact, we not only produce coal-fired electricity, we convert coal into synthetic natural gas. But we are successfully doing that because we are driving the investment that is spurring the new technology that is producing more energy. And as we produce more energy, that same technology is also enabling us to do it with better environmental stewardship.

That is the win that we all seek. That is the win we all seek. Because that is not only about providing more electricity, more power, more energy for this country at a lower cost so that consumers benefit, it is also about creating high-quality, high-paying jobs for our American workers and, at the same time, providing better environmental technology through this investment, providing better environmental stewardship through this investment in new technologies. That is exactly what is happening, because we are empowering the industry to produce more electricity to develop, to grow and, again, to develop the technology that produces more technology with the better stewardship.

That is the direction we need to go, and that is why I urge my colleagues to vote for this Congressional Review Act that would require EPA to go back and redraft this rule. It is in the interest of the American workers whose jobs depend on the coal industry, and, ultimately, it is in the best interest of Americans who not only need the energy but, again, as we are able to continue to develop the technology, we produce better and better environmental stewardship.

With that, Mr. President, I yield the floor.

Mr. INHOFE. I thank the Senator, and I now recognize the Senator from Alabama for 6 minutes.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank my colleague Senator INHOFE, who has been such a leader on these issues and has contributed so much to the national discussion as we wrestle with the challenges of trying to have affordable energy for Americans to maintain our business competitiveness and improve the quality of our air and environment. And we can do those things. We have been doing those things, and we are going to continue to do those things. But this Senate Joint Resolution 37 dealing with Utility MACT provides us an opportunity to make a strong statement and reject the program the EPA has adopted that will damage this economy, will drive up the cost of energy for every Amer-

ican throughout this country, drive up the cost of energy for American businesses that are struggling now to hire workers and be competitive.

If we have an advantage on the world market today, every expert tells us it is because of a decline in natural gas prices, and we have competitive electricity prices from coal. So we have competitive electricity prices from our largest source—coal—and we have surprising, wonderful new finds in natural gas that are allowing our energy to be cheaper too. This helps us create jobs and growth.

Yet we have within the administration a number of people—and, I hate to say, all the way to the top—who seem to believe that cheap energy is not something that should be brought forth, I guess because that would make their alternative sources—solar and wind and other things—even less competitive than they are today. We will develop those programs. We can seek to advance those programs. But in truth, we should not be mandating these much higher costs on the American people, hammering our economy, which, in effect, is a tax increase on the American economy.

So this is a \$90 billion rule—the most expensive environmental rule in our Nation's history. And \$90 billion is the amount the EPA acknowledges this rule will cost. The Congressional Review Act that Senator INHOFE has triggered says we can have this vote, this review of any regulation over \$100 million, and \$90 billion is 900 times larger than \$100 million. It is the largest rule in American history. It changes the course of our economy. It is the kind of thing that Members who are elected to answer to the American people should be voting on, not having it done within basically a bureaucratic process, without having elected individuals engaged in it.

But the Congressional Review Act has a fundamental weakness. That weakness is that if the Congress votes to overturn an act, the President can veto it. We have this odd situation where the President appoints the bureaucrats. He appoints the head of the EPA. And all the people working throughout the executive branch and for the President, directly or indirectly—directly, really—produce the regulations the President desires they produce. They do not produce regulations he does not desire they produce. So the result is that Congress has an awfully difficult time overturning it because the President can veto what we pass. We need something like the REINS Act that would actually replace this unconstitutional, nontraditional procedure of impacting our economy with monumental regulations and putting that back to the Congress so that Congress is required to vote on the regulation.

My time, I know, is running out, but I want to reiterate that the impact of the regulations, if not changed, will

drive up the cost of energy for every single American and for all businesses in America. It will achieve only a modest improvement in mercury reductions over what President Bush proposed, and it is so extreme that it hammers coal processing and energy production in America, basically making coal no longer a realistic way to produce electricity in America. That is a huge event that impacts the economy. Fundamentally, this regulation would say that, yes, we have reduced mercury emissions by 50 percent.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SESSIONS. Mr. President, I ask unanimous consent for 1 additional minute.

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

Mr. SESSIONS. Yes, we would reduce the emissions of mercury since 1990 by 50 percent. Yes, President Bush proposed a very effective, sophisticated plan to further reduce those emissions by 75 percent—75 percent more. But there were problems with it. The courts found a problem with it. But instead of pursuing the matter in the fashion President Bush did, the new regulations call for this dramatic 90-percent reduction of mercury emissions, far more than we are able to do technologically and financially, I believe. That is why I salute Senator INHOFE for this resolution and I will support him.

I thank the Chair, and I yield the floor.

Mr. INHOFE. How much time do we have remaining, including the 40 seconds we didn't use?

The PRESIDING OFFICER. Five minutes on the Senator's side.

Mr. INHOFE. First, let me comment on something I am glad the Senator from Alabama brought up because it is very significant. The frailty in the CRA, for a lot of our fellow Members who are not familiar with the history of that, is that the President can veto it. I am a little hopeful in this case, if we are successful, because I wonder if the President wants to veto, a few months before the election, a bill that is going to cost the American people over 200,000 jobs this year, along with all of the other costs they admit.

The EPA itself says it will cost \$10 billion, but it is going to be considerably more than that in nearly everyone else's view. So I hold that out as a hope, that even though he would love to veto it, if we are successful, I don't think he will do it because he wants to get reelected more than he wants to veto this.

I would also comment that I think it is worth bringing up that the other side had an opportunity to do something about real pollution—and we are talking about NO_x, SO_x, and mercury, not CO₂. Remember the Clear Skies Act that was such a successful operation? That was back during the Bush administration. That would have mandated the 75-percent reduction the Senator

from Alabama talked about in SO_x, NO_x, and mercury. Those are real pollutants. But it was held hostage because it didn't include CO₂. At that time that was the crown jewel of their efforts.

So all I can say in this remaining time we have is that everything has been said, although it hasn't been said by everybody, and I am not going to repeat that and be redundant. But I think the points were made by all the Senators who spoke, looking at the economy of this and how devastating this would be in terms of jobs in America. But if you look at Utility MACT, it is not about public health, it is about killing coal. And everybody knows that. Everybody knows that. People from coal States are trying to act as if that is not the case, but it is the case. I think we are all very much aware of that.

According to EPA's own analysis, Utility MACT will cost \$10 billion, though others have it up higher than that. However, if \$10 billion a year to implement it is correct, then it will only yield \$6 million in projected benefits—health benefits. This is the EPA talking, not me. And that is at 1600-to-1 ratio. That is not a very good ratio to depend on.

I wish to address the myth that top EPA officials are perpetrating, and that is the idea coal is not being killed by the EPA regulations but by the cheaper price of natural gas. EPA Administrator Lisa Jackson said recently it is simply a coincidence that EPA's rules are coming out at the same time natural gas prices are low, so utilities are naturally moving toward natural gas. So her message was, don't blame the EPA. The truth is the EPA itself has admitted the agency deliberately and consciously made a decision to kill coal.

EPA Region 1 Administrator Curt Spalding was caught on tape saying:

Lisa Jackson has put forth a very powerful message to the country. Just two days ago, the decision on greenhouse gas performance standard and saying basically gas plants are the performance standard which means if you want to build a coal plant you got a big problem.

He also went on to say the decision by the EPA to kill coal was "painful every step of the way" because you have got to remember if you go to West Virginia, you go to Pennsylvania—and he could have included other States in there too, such as Ohio, Illinois and Missouri—but he said "and all those places, you have coal communities who depend on coal." And they are going to put those people out. This is a very serious attack that is taking place right now, I think, when we saw the attack on fossil fuels, as presented by Region 6 Administrator Armendariz, when he said the truth is EPA's "general philosophy" is to "crucify" and "make examples" of oil companies and gas companies.

I only bring that up because many people think this is just about coal. No,

it is very clear about fossil fuels. This has been a relentless war of this President on fossil fuels; that is, coal, gas, and oil, ever since he has been in office. It was the president of the Sierra Club who said a short while ago, yes, Utility MACT is about killing coal. Fine, we can kill coal, but that doesn't mean we want to change and start using natural gas because it is also a fossil fuel.

It may be that over in the House it took NANCY PELOSI 6 months to recognize natural gas is a fossil fuel, but it is. So this is just the beginning. This is the one where they are admittedly trying to kill coal because it is an easier target. In their belief, there are fewer States that are the big producers of coal, so go after them first.

I know my time has expired. I only want to say in closing that we will have another opportunity tomorrow. There are many other people wanting to be heard who don't want to kill coal and have this dramatic negative effect on our economy, our jobs, and our ability to produce the necessary energy to run this machine called America.

If we are dependent upon just under 50 percent for our entire generation ability on coal, imagine, if they are successful, what is going to happen to the price of the remaining available fuel? And of course they would be subject next. So I would urge our people to forget for a short period of time this President's obligation to certain small groups and oppose the Utility MACT.

We went through the same thing with greenhouse gases and we fought that battle before, I say to my good friend Senator BOXER from California. At that time, there were many legislative efforts to kill greenhouse gases, and yet every time there was a vote, the people who were answerable to the American people were the ones who voted it down. Now there might be, at most, 25 left in the Senate in favor of greenhouse gas emissions.

I urge Members to pass my CRA and let the President decide what he is going to do about vetoing this issue.

The PRESIDING OFFICER. The Senator's time has expired.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I would like to take 3 minutes now, then yield up to 15 minutes to the Senator from New Jersey. I would then ask my friend, the Senator from Rhode Island—who is in the chair—to take up to 15 minutes, if he would like, and I will sit in the chair.

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

Mrs. BOXER. Mr. President, I just wish to say to my colleague Senator INHOFE before he leaves, that under this President we have seen more domestic energy production than we have seen probably in decades and decades—more domestic energy production and less reliance on imported oil than we have seen in decades and decades. So let's not attack President Obama for not working to ensure that we have the

domestic capacity here at home to produce energy, because we are producing it from all sources.

The other point I wish to make is that my friends on the other side are ignoring the facts. The facts are that for every \$1 to \$3 that will be invested in clean utilities, we get back \$9 in benefits. The Presiding Officer has spoken on this quite often, and the fact is there are many benefits to doing this.

The other point I wish to make—which is very important—is that one-half of our coal-fired powerplants have already made these important technology upgrades. That is wonderful news. Why would we reward companies that haven't done what these others have done, that are continuing to spew forth the most dangerous chemicals? The list of them goes on and on. But we are talking about mercury, we are talking about arsenic, lead, and formaldehyde. I will get into that, but if we allow this congressional resolution to pass, why would we be rewarding the most recalcitrant utilities that are not cleaning up when the technology is clearly there?

There is a cost-benefit ratio. Our kids will breathe better. Later on tonight, I will spell out how many deaths will be avoided, how many asthma attacks will be avoided. We hear a little coughing in the Chamber today. That is the sound, unfortunately, we hear in classrooms all over this country. If we go into a classroom and we ask how many kids have asthma, one-third of the kids will raise their hand. If we say: How many of you know someone with asthma or have asthma yourself, half the kids will raise their hand.

So this isn't benign. What my colleague is doing is essentially pushing forward a resolution that would stop the Environmental Protection Agency from doing its job that we asked them to do 20 long years ago when we passed the Clean Air Act amendments.

It is my privilege to yield up to 15 minutes to Senator LAUTENBERG, followed by the Presiding Officer, Senator WHITEHOUSE.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I thank Senator BOXER for her leadership in resisting these attempts to be able to permit companies to continue to pollute the air, a risk to our children, and marshaling the forces to say no to this.

I feel this may be a lesson I learned when I was in business school at Columbia: If we spend money here, we might save it there. But if we don't spend it, we are liable to lose something—a child, the child's ability to function. What kind of a proposition are we looking at? This isn't an accounting exercise. We are talking about the well-being of our children.

I will say, we may have disagreements between our sides, but I believe Republicans care as much about their kids on their side as we do on ours. But in this debate, they would say they

have to take care of the power companies and permit them to emit poisonous ingredients into the air. So I think the sentence would be more completely said: Rather than take advantage of protecting our children, we would rather continue the profit build-up. It is preposterous when we think about it.

We have to continue the standards for powerplants that emit mercury pollution, which is brain poison for our children. We have to make sure we don't relinquish and permit this contagious material to continue to be put into the air.

Under the proposal of our friend from Oklahoma, Senator INHOFE, companies should be free to spew toxic air pollution out of their smokestacks, regardless of whether it goes into neighborhoods where our children play or in the path of their exercise and games.

This is a picture we would see. We have all seen it at different times in our lives. But we have learned something over the years. We have learned we can reduce this threat that comes out of these smokestacks.

We have a devil of a time in the State of New Jersey because it is from States to the west of us from which we get much of the pollution in our communities. Even if we had a State's option, fully, we couldn't do much about it if our neighbors to the west permit their companies to emit poisons into the air.

The standards Senator INHOFE wants to overturn—the Clean Air Act amendments—were approved by Republicans and Democrats over 20 years ago, in 1990. Most Americans would be disappointed to learn that powerplants have been free to put unlimited amounts of mercury into the air that our children breathe. After years of delay and dirty air, the new standards will finally require powerplants to cut mercury pollution. Mercury is a highly toxic brain poison. Even in low doses, mercury can cause damage to fetuses and infants that permanently affect the child's development.

Every year, 630,000 babies are born with unsafe levels of mercury in their blood. Let's be clear about what this means. Mercury is poison, and children are being born with it coarsing through their veins. These children suffer from brain damage, learning disabilities, hearing loss. The mercury they are born with can damage their kidneys, liver, and nervous systems.

The powerplants that spew mercury also emit pollutants that trigger asthma attacks. Unfortunately, I have had the ability to see a child with an asthma attack. It happens to be my grandson. When he is gasping for air, if someone said: How much would you pay to relieve your grandson of the gasping or the trauma that comes with that kind of condition, there is no cost that would be too much. Anyone who has seen an asthmatic child wheeze and struggle to breathe knows we would do anything in our power to prevent asthma attacks.

EPA standards prevent 130,000 asthma attacks from occurring each year. Imagine that. We are protecting 130,000 asthma attacks from occurring to our kids every year. So why are Republicans proposing to erase limits on mercury pollution? We already know EPA's new standards will save and improve lives.

EPA estimates this rule would prevent 130,000 asthma attacks, 4,700 heart attacks, and up to 11,000 premature deaths. What kind of a calamity is worse than that? There isn't any. Heaven help those families who are tortured by learning that the problems they have for their children's school accomplishments could have been avoided and for every \$1 we spend to reduce pollution, we get \$3 to \$9 in health benefits. A child with pollution in her body is set back from day one and is going to carry that disability for her full life.

The polluters ignore the cost to American families. These companies think their right to pollute is more important than our kids' right to breathe. I can't believe they are willing to risk the health of a baby in their home or their grandchildren's home.

They say that cleaning up their act will cut into their profits, but we know clean air isn't just good for our health; it can be good for business. For proof, we look no further than in my State of New Jersey and our largest utility, Public Service Electric & Gas. They invested \$1.5 billion to upgrade their powerplants. PSE&G cut emissions of mercury and acid gases by 90 percent or more, and they created more than 1,600 new jobs in the process. That is the real picture. That is what happens. It is clear what this resolution, as proposed, would do. It would effectively kill any EPA action to reduce mercury now or in the future. It is unacceptable.

I say to those people who come from coal States: Clean up the air. Spend the money. You are going to spend it one way or another. Wouldn't you rather spend it on doing something that is positive for the environment rather than risking your child's health? I think there is no comparison.

We had an unfortunate incident in my family. I had a sister who was asthmatic. When she traveled, she always carried a respirator that she could plug into a cigarette lighter, and if she started to feel uncomfortable from beginning to wheeze, she could put this on and her breathing would clear up. She had been elected to the school board.

She was at a school board meeting and she felt an attack coming on. She got up to go to her car in the parking lot to get some relief from her inability to breathe. She collapsed in the parking lot and 3 days later she expired. She was 53 years old.

What is the price of a life? This was an adult. What about the life of a child, and we compare it to the costs? That is all we have heard about. The other side sounds like a bunch of accountants

when they talk about how much will this cost. How much does it cost for a child who can't learn? How much does it cost to live life with a child whose body is impaired and they can't function? What is the cost?

The cost can't be explained in dollars. The cost is: What is right in our society? Do we have the obligation to try and protect the children who live in our country? I think so. Let the companies figure out ways to improve the quality of their air emissions. It is pretty simple. If they do, the problem can be solved. But to say no, no, this will cost too much—I think of a schoolyard full of little kids and I say I would like to ask them: What is it worth to see these little kids sing ring-around-the-rosie, and be happy compared to saying to the company, no, your job is to clean up your act. You have time to do it but you must do it. You cannot avoid it any longer.

It is clear what this resolution would do. It would effectively kill any EPA action to reduce mercury now or in the future. That is unacceptable. I say to my colleagues: Defeat this measure. Look at your children, look at your grandchildren, and say to yourself: What will I do to protect her; to protect him; to hear their voices nice and clear; to see them learning; to see them growing?

What is more important, to protect the powerplant that wants to emit more poisonous air and refuses to do its share? They are going to do it one way or the other. Look at your children. Look at your grandchildren. I urge my colleagues to defeat this measure.

I yield the floor.

The PRESIDING OFFICER (Mrs. BOXER). Under the previous order, Senator WHITEHOUSE of Rhode Island is recognized for up to 15 minutes.

Mr. WHITEHOUSE. Madam President, it is one thing to say things and it is another to say things that are true. Let us review some of the things that have been said on the floor of the Senate today in the context of this discussion.

One of my colleagues said that this rule, which will for the first time require our powerplants to meet mercury emission standards that other industries have had to meet, and have successfully met for years, is now coming on, to use his words, "too far and too fast."

The Clean Air Act was passed 30 years ago and, specific to this, in the year 2000 EPA began the process that has culminated in this rule determining that it would be appropriate and necessary to have a rule on this kind of hazardous air pollution being emitted by powerplants. Here we are in 2012 and we are being told that it is too fast that utilities are obliged to comply with a program that was first announced as appropriate and necessary in the year 2000. It would seem to me that a dozen years' notice is enough, particularly where other industries have already met these standards.

On that note, the same colleague said that compliance with these standards is "nearly impossible." It is obviously not nearly impossible if other industries have already complied with the standard with which the electric utility industry is being asked to comply. More specifically, this rule sets the mark at a level where the highest performing 12 percent of emitters already are. They are already there. So it is not a question of compliance being nearly impossible. Compliance is actually already achieved by the good-behaving and responsible utilities that have put the technology to work to clean up their exhausts.

I have a letter that I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. WHITEHOUSE. In this letter, 16 of my colleagues, led by myself and the distinguished Chair of the Environment and Public Works Committee, BARBARA BOXER, wrote to the President supporting this rule. We described, for one thing, a utility called Constellation, which has invested to add environmental controls and a new scrubber to its Brandon Shores facility in Maryland, cutting mercury emissions by 90 percent. Also, in addition, it created 1,385 jobs at peak construction, not counting the many more jobs manufacturing those clean air technologies. So this is not "nearly impossible," this is being done regularly.

The other remark that was made by this colleague is that the country does not support EPA on this. To the contrary, actually, public health groups and officials across the country support this: the Academy of Pediatrics, the Association of Respiratory Care, the Heart Association, the Lung Association, the American Nurses Association, the Public Health Association, the March of Dimes—it is a considerable number of public health supporters.

If you want to go beyond the public health community, it is interesting to note that the faith community is very actively supporting our position, everything from the Evangelical Environmental Network to the Evangelical Lutheran Church in America, to the General Baptist Convention of Texas, to the National Council of Churches USA, to the Jewish Council on Public Affairs, to the U.S. Conference of Catholic Bishops, and the United Methodist Church. To say that America does not support the EPA I think is to take a very constricted view of America. Perhaps the occupants of the electric utility boardrooms in America would be more precise.

Some of the folks who support this, interestingly, are not just health groups, but they are the electric utilities themselves. Half of the fossil fuel electric generation in the country is controlled by electric utilities that support the EPA rule. Let me read some examples from this same letter.

The chairman, president and CEO of Wisconsin Energy said, "We really see very little impact on customer electric rates or our capital plan between now and 2015 as a result of all the new EPA regulations that have been proposed Very little impact."

The Senior Vice President of Energy Policy at Seminole Electric Cooperative indicated, "If the EPA adopts a mercury rule as currently proposed, Seminole would already be meeting that standard." So much for it being almost impossible.

Duke Energy's CEO noted, "I think 3 years is doable," not too fast, doable as a compliance timeline. And the CEO of PSEG stated, "We are also well-positioned to meet the anticipated requirements under EPA's . . . regulation." "We believe these regulations are long overdue." Not coming too fast, "long overdue."

"Our experience shows that it is possible to clean the air, create jobs and power the economy, all at the same time."

Another one of my colleagues said that higher electric bills should be measured, on the one hand, against the negligible benefits on the other hand. That was a theme that a number of colleagues adopted.

Another one said this was all costs, no benefits.

A third said this bill fails to find the proper balance between cost and benefit. And a fourth said this rule would be "hammering our economy, in effect a tax increase."

What are the facts? The facts are that although the rule will cost \$9.6 billion to implement, because there is better health, because there are beneficial effects of not polluting our country with all of these dangerous chemicals, the benefits are between \$37 and \$90 billion; \$9 billion in costs, \$37 to \$90 billion every year in savings, in benefit to our economy. On the whole, this is a huge economic win for the country. The only place where it is a problem is, again, in the boardrooms of the electric utility companies that have not been good citizens, that have not put the scrubbers on, that are trailing the rest of the industry and do not want to be forced to catch up to where other industries, and half of their industry, now is.

If you want to move off, as Senator LAUTENBERG so movingly did, the accounting of this \$9 billion in cost versus \$37 billion to \$90 billion in benefits, there are the 11,000 lives that will be saved every year. You cannot put a price on a human life. This will save them.

The last point is that the distinguished ranking member of the Environment and Public Works Committee described a relentless war, and what he was referring to is an imagined war by the Obama administration against the

coal industry. I think if there is a relentless war out here, and I am speaking now as a Senator from Rhode Island, it is a relentless war of these polluting coal plants against the northeastern States in particular, my State in particular, that carries the burden of all the fallout of that exhaust and that pollution that they do not bother to treat at the source so it lands in our State.

I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks the resolution in support of the EPA mercury and air toxic standards for powerplants that was adopted by the U.S. Conference of Mayors.

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

(See exhibit 2.)

Mr. WHITEHOUSE. I will not read the whole thing. Let's just read the concluding paragraph:

Now, therefore, be it resolved that the U.S. Conference of Mayors strongly supports the EPA's issued Mercury and Air Toxics Standards for Power Plants.

There were no Federal standards for mercury until now for our powerplants. You would think we should have done this by now but—yes, we should have done it by now but at least we are here. At least we will achieve the benefits of \$1 in cost for \$3 to \$9 in savings and in benefits to Americans. We should be celebrating this sensible and yet significant public health achievement.

Instead, we are engaged in a debate that I think is confounded, on their side—their arguments are confounded by the actual facts.

The benefits are staggering, in addition to the 11,000 lives saved, 4,700 fewer heart attacks, 130,000 fewer cases of children suffering asthma attacks, 5,700 fewer emergency visits each year.

Let me close by mentioning one specific. Mercury is a neurotoxin. The reason that people use the phrase “mad as a hatter” is because hatters, making hats, used mercury and mercury poisoned them, made them mad, affected their brains. It is a neurotoxin.

That affects Rhode Island quite considerably. First of all, we are a State that is downwind. Every Rhode Islander has heard, as we drive into work on a bright summer weekday morning, the radio warning: Today is a bad air day in Rhode Island; children, people with breathing difficulties, seniors should stay indoors today in their air conditioning.

It is a beautiful day. People have a right to be out of doors on a beautiful day. They should be celebrating, playing, picnics, going to the beach. But, no, stay indoors because there is ozone pollution settling on us from the powerplants.

In addition, the mercury comes in and that creates a different set of harms in Rhode Island. One harm is that small children should not eat any freshwater fish in Rhode Island, according to our health department. Here is a wonderful Norman Rockwell pic-

ture, sort of an emblematic American scene, grandfather is taking his grandson fishing. The excitement as the fish comes up out of the pond—that image in Rhode Island is shattered by the fact that this small child would not be allowed to eat any freshwater fish that he caught with his grandfather because of this mercury pollution that has bombarded us by these out-of-State powerplants that did not clean up their act.

Furthermore, no one in Rhode Island should eat more than one serving of freshwater fish caught in our State each month, so if the grandfather caught two fish, he could eat one, for a month, but he should not eat the other because of the health effects of the mercury that has piled up in the bodies of the fish.

There are some bodies of water that seem to be more in the gunsights of these polluting dirty Midwestern powerplants than others for reasons that nobody can explain. But Quidnick Reservoir, Wincheck Pond, and Yawgoog Pond in Rhode Island—no one should ever eat any of the fish caught in those three bodies of water because of the mercury poisoning. So when we talk about every dollar a utility will spend to clean up its pollution being offset by \$3 to \$9 in benefits, that figure doesn't take into account these intangible benefits. It doesn't take into account the intangible benefit of being able to enjoy the emblematic American pastime of taking your grandson or going with your grandfather to go fishing in a pond, to be able to catch something, bring it home, fry it up, and have it for supper. The utility polluters get to wreck that for free in this equation, but we should not forget it in this Chamber.

There are many aspects of the American way of life that should not yield to the bottom line of those polluters that are not willing to meet the same rules that so many of their colleagues already do and that so many industries already do.

EXHIBIT 1

U.S. SENATE,
WASHINGTON, DC,
December 16, 2011.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: Respectfully, we urge the Administration to finalize the Utility Air Toxics Rule as scheduled on December 16, 2011, and to adhere to the compliance schedule set forth in Section 112 of the Clean Air Act. Our nation has waited far too long for a federal limit on mercury and other hazardous air pollution emitted by power plants.

The electric utility industry has been on notice for a decade that the EPA intended to limit its hazardous air pollution. In 2000, the EPA determined it was “appropriate and necessary” to set hazardous air pollution standards for power plants, based on the serious health effects of this pollution. Power plants are the biggest emitters of mercury, a neurotoxin that can stunt cognitive development in children and infants. Power plants are also significant emitters of toxic metals—for instance, they emit 62% of all such

arsenic pollution in the air we breathe—and acid gases such as hydrochloric acid which can cause respiratory tract ailments and fluid buildup in the lungs. The rule is expected to save up to 17,000 lives per year by cutting this pollution.

Plants in 17 states have begun to control for mercury pollution. These projects protect public health, and demonstrate that updating our energy infrastructure triggers investment in new technologies and the creation of tens of thousands of jobs. Consider: Constellation invested \$885 million to add environmental controls and a new scrubber to its Brandon Shores facility in Maryland, cutting mercury emissions by 90 percent. This investment created 1,385 jobs at peak construction, and many more jobs manufacturing the clean air technologies; PSEG retrofitted two of its coal facilities and installed scrubbers, creating 1,600 construction-related jobs over two years, and 24 permanent jobs; and AEP retrofitted one of its coal facilities and created more than 1,000 construction-related jobs building a scrubber, and 40 permanent jobs in operations.

AEP CEO Michael Morris said this year that when a utility retrofits a plant to comply with the Clean Air Act, “jobs are created in the process—no question about that.” Good environmental policy is good economic policy, as the jobs numbers—and the United States' \$11 billion trade surplus in environmental technologies—demonstrate.

Most electric utilities in this country are ready for this rule. Indeed, operators of half of the fossil fuel electric generation in this country have gone on record on this point. For instance:

The Chair, President and CEO of Wisconsin Energy noted that, “We really see very little impact on customer electric rates or our capital plan between now and 2015 as a result of all the new EPA regulations that have been proposed. . . .”

The Senior Vice President of Energy Policy at Seminole Electric Cooperative, Inc., indicated that “If the EPA adopts a mercury rule as currently proposed, Seminole would already be meeting the standard.”

Duke Energy's CEO noted that “I think three years is doable” as a compliance timeline for the Utility Air Toxics Rule.

The CEO of PSEG stated that, “We are also well-positioned to meet the anticipated requirements under EPA's HAPs/MACT regulation, which is scheduled to be issued on December 16. We believe these regulations are long overdue. Our experience shows that it is possible to clean the air, create jobs and power the economy, all at the same time.”

Some utilities, however, are arguing that this rule will compromise their ability to provide reliable service. We do not believe the facts support this argument. Earlier this month, your Department of Energy released a report finding that even under the most conservative assumptions, utilities could comply with both the Transport Rule and the Utility Air Toxics Rule while providing adequate electric power in each region of the country.

Meanwhile, new generation capacity is being built. Over the next four years, utilities are constructing nearly 78 GW of new capacity, including about 38 GW of natural gas. Natural gas prices are dropping rapidly, driving both the construction of new gas-fired plants and the utilization of existing gas capacity. These gas plants are starting to out-compete inefficient coal units on price alone, separate and apart from any Clean Air Act rules.

If localized reliability issues emerge, or if a unit needs more time to comply with the Utility Air Toxics Rule, current law and long-standing practice provide off-ramps on a case-by-case basis. Upon request, EPA and

the states may grant a unit a fourth year to comply. If the unit needs more time to install controls, or if it plans to retire but needs to stay online to ensure reliability, EPA may enter into legally binding agreements with the utility to provide that necessary time.

Given that so many utilities are well-positioned to comply with the Utility Air Toxics Rule, and the flexibility afforded particular units, there is no reason for an across-the-board delay of this important public health measure. We applaud the work that EPA has undertaken to limit dangerous air pollution from power plants, and urge the Administration's approval of a final rule to be in place by December 16, 2011.

Sincerely,

SHELDON WHITEHOUSE.
PATRICK J. LEAHY.
JOSEPH I. LIEBERMAN.
PATTY MURRAY.
FRANK R. LAUTENBERG.
BENJAMIN L. CARDIN.
JEANNE SHAHEEN.
KIRSTEN E. GILLIBRAND.
BARBARA BOXER.
JOHN F. KERRY.
DANIEL K. AKAKA.
MARIA CANTWELL.
ROBERT MENENDEZ.
BERNARD SANDERS.
JEFF MERKLEY.
RICHARD BLUMENTHAL.

EXHIBIT 2

IN SUPPORT OF EPA MERCURY AND AIR TOXICS STANDARDS FOR POWER PLANTS

Whereas, mayors recognize that mercury pollution, the majority of it coming from coal-fired power plants, represents a particularly widespread threat to families nationwide; and

Whereas, in 1990, 3 industry sectors made up 3/4 of the total mercury emissions in the nation including Medical Waste Incinerators, Municipal Waste Combustors (Waste-to-Energy); and Power Plants; and

Whereas, The first two sectors have already had to comply with mercury and air toxics rules and have reduced their mercury emission by 95%; and

Whereas, the technology to retrofit these facilities already exists and is being utilized in the other two industries; and

Whereas, because of local mercury contamination, all 50 states have fish consumption advisories in place to warn residents of the potential health effects of eating fish caught from area waters; and

Whereas, mercury poses a particular threat to vulnerable populations such as pregnant women and small children; and

Whereas, mercury is a potent neurotoxin that affects a developing child's ability to talk, walk, read and write, and in addition to learning disabilities, in utero exposure can result in severe birth defects such as blindness, deafness and cerebral palsy; and

Whereas, EPA's analysis projects that the annual cost to the regulated industry for the year 2016 (the first year in which EPA expects the standards to be fully implemented), would be \$9.6 billion and the aggregate benefits for that year would be between \$37-\$90 billion; and

Whereas, for every dollar spent to reduce this pollution, Americans get 3-9 dollars in health benefits; and

Whereas, the Environmental Protection Agency (EPA) projects that the new Clean Air Act protections from reduced mercury and air toxics will save citizens as much as \$90 billion annually when fully implemented through lower health care costs. Each year, this translates into as many as 11,000 lives saved, 4,700 heart attacks and 130,000 asthma

attacks prevented, and 5,700 hospital visits avoided; and

Whereas, the benefits are widely distributed and are especially important to minority and low income populations who are disproportionately impacted by asthma and other debilitating health conditions; and

Whereas, clean, healthy air and water are fundamental American rights,

Now, therefore, be it Resolved that the U.S. Conference of Mayors strongly supports the EPA's issued Mercury and Air Toxics Standards for Power Plants (MATS).

Mr. WHITEHOUSE. I yield the floor. I suggest the absence of a quorum

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WHITEHOUSE). Without objection, it is so ordered.

Mrs. BOXER. I wish to thank the Presiding Officer very much for taking the Chair again and for his beautiful statement. I thought the Senator definitely debated the issue and took apart the argument that my Republican friends made against a rule that is widely supported by the American people. The Senator cited some of the amazing organizations. I will do that again tomorrow in the debate.

Just for the sake of the folks who are still working here tonight, I don't plan to go much more than 5 minutes. It has been a very long day for everyone who works here and I respect that.

It is not only these amazing groups that are with us that want us to defeat this very dangerous resolution—my colleague named some of them—the American Nurses are among those who understand what health care is about. They see people struggling to find a breath when they come in with these attacks. Also, religious organizations recognize we are only as good as the weakest among us. As Senator LAUTENBERG pointed out so eloquently, it is our kids who get the real impact of this many times as well as adults.

What I wish to do in closing out the debate tonight—and we will have another hour of debate tomorrow—is just run through a few charts that tell the tale. The first one is: What does this resolution do? Because I know people may be following us and saying: What exactly do Senator INHOFE and his colleagues want to do? They want to repeal the rule that is about to go into place and block the Environmental Protection Agency from implementing the first-ever national mercury and air toxics standards for powerplants. These powerplants are giving off these poisons, and these poisons are going into the air.

In the case of mercury, we wind up poisoning fish, which was such a great part of my colleague Senator WHITEHOUSE's presentation. So poisons are being spewed into the air from these powerplants.

In 1990, by a vote of 89 to 10 and in the House 401 to 25, we passed the Clean

Air Act. Those were the amendments. It was signed by George Herbert Walker Bush. More than 20 years later, we have a court order because we didn't do what we were supposed to do. Now President Obama is doing the right thing to protect the people by moving forward with this first-ever national standard. We have to defeat this push to stop the Obama administration from doing what we wanted done since 1990 and what we wanted the then-EPA to do and it has taken this much time to get it done. Just as we are on the brink of getting this protective rule, which is so cost-efficient—for every \$1 to \$3, we save \$9—they want to turn it around.

What is at stake? There are 4,200 to 11,000 additional premature deaths. So when people say what we do doesn't matter, I say look at this. If this rule is repealed, more people will die prematurely. We will have 4,700 heart attacks, 130,000 cases of childhood asthma symptoms, 6,300 cases of acute bronchitis, 5,700 emergency room visits and hospital admissions, 540,000 days of missed work due to respiratory illness. Again, it is \$3 to \$9 in benefits for every \$1 invested in the powerplants, one-half of which have already done the right thing. Half the coal powerplants have done this already. So we are talking about ensuring that the rest of them do the same.

Many companies have addressed their mercury and air toxic emissions. We should thank the coal companies that have already cleaned up their act, not reward those that have delayed in installing the pollution-control equipment. Anyone on the other side who says there is no pollution-control equipment that is available and this can't be done and it is going to result in increased electric utility rates should listen to the facts. They should talk to the people who already installed these important mechanisms. They created jobs doing it, and as far as electricity prices, there was no impact.

I talked about the jobs that are provided. When we clean up these utilities, there will be 8,000 long-term jobs and 46,000 short-term jobs. It is actually a jobs bill when we clean up to current standards.

What poisonous emissions does the clean air rule address? I think this is basically where I am going to end it. I am going to mention these things, and they sound scary because they are. Mercury and lead, this is what we are asking them to clean up, and my colleagues say, no, keep on polluting. Mercury and lead damages the nervous system of children and harms the brains of infants. Arsenic sound scary? It is. It causes cancer and damages the nervous system, kidneys, and the liver. My Republican friends say: Oh, it is OK. Who cares? We should all care. How about selenium? It harms the reproductive system of wildlife. Other heavy metals such as cadmium and chromium cause cancer and harm vital organs. Benzene causes cancer and

damages immune and reproductive systems. How about this one, formaldehyde. It sounds scary. It is scary. It is a carcinogen, and that means it causes cancer—no question about that. Acid gases sound scary? They are scary. They damage the heart, the lungs, and the nervous system. Imagine breathing in acid gases and what that does to our pulmonary system. Toxic soot pollution causes respiratory illness, including asthma attacks, chronic bronchitis, heart attacks, and premature death.

Tomorrow I will go into these in greater detail. It is just a rhetorical question, but why would anyone in their right mind stand in the way of cleaning up these poisons. They say it costs too much. No, it doesn't because the companies that already did it say it is working. For every \$1 we invest, we save \$3 to \$9. So it doesn't cost too much. Is it just about doing business as usual? That is fine if all we are doing is something that is benign. This is not benign.

My colleague Senator INHOFE attacked the President and said our President is stymieing domestic energy production when we have the opposite truth. We have seen a tremendous increase in domestic energy production under this President, more than we have seen for decades. So don't blame this President and say he is trying to stymie domestic energy production. He has embraced an all-of-the-above strategy.

Mr. President, I ask unanimous consent to have printed in the RECORD a paper entitled "Develop and Secure America's Energy Supplies."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEVELOP AND SECURE AMERICA'S ENERGY SUPPLIES—EXPAND SAFE AND RESPONSIBLE DOMESTIC OIL AND NATURAL GAS DEVELOPMENT AND PRODUCTION

"All these actions can increase domestic oil production in the short and medium term. But let's be clear—it is not a long-term solution"—President Obama, March 11, 2010.

THE CHALLENGE

America's oil and natural gas supplies are critical components of our Nation's energy portfolio. Their development enhances our energy security and fuels our Nation's economy. Recognizing that America's oil supplies are limited, we must develop our domestic resources safely, responsibly, and efficiently, while taking steps that will ultimately lessen our reliance on oil and help us move towards a clean energy economy.

Over the last two years, domestic oil and natural gas production has increased. In 2010, American oil production reached its highest level since 2003, and total U.S. natural gas production reached its highest level in more than 30 years. Much of this increase has been the result of growing natural gas and oil production from shale formations as a result of recent technological advances. These resources, when developed with appropriate safeguards to protect public health, will play a critical role in domestic energy production in the coming decades.

America's public lands and Federal waters provide resources that are critical to the nation's energy security. To encourage robust

exploration and development of the nation's resources, the Administration has offered millions of acres of public land and Federal waters for oil and gas leasing over the last two years. Oil production from the Outer Continental Shelf increased more than a third—from 446 million barrels in 2008 to more than 600 million barrels of estimated production in 2010. Responsible oil production from onshore public lands also increased over the past year—from 109 million barrels in 2009 to 114 million barrels in 2010. These increases are occurring at the same time that oil imports are decreasing; for the first time in a decade, imports accounted for less than half of what we consumed.

Mrs. BOXER. It shows how U.S. crude oil production is way up under President Obama. It is way up. Over the last 2 years domestic oil and natural gas production has increased. In 2010, American oil production reached its highest level since 2003 and total U.S. natural gas production has reached its highest level in more than 30 years. How can my colleagues stand and say this President doesn't like the coal companies and is trying to push them out of business so we will have less energy production? Wrong. What he is trying to do and we are trying to do—those of us who are going to oppose the Inhofe resolution—is say we want to see coal continue, but we don't want it to spew forth—mercury, arsenic, selenium, other heavy metals, benzene, formaldehyde, acid gases, and toxic soot. It is pretty straightforward. Clean it up.

When I was a kid, my mother said: Clean your room. She said: You made a mess so clean it. I see some of the pages are smiling because their mothers say the same to them. What I found as I matured over the years is that we need to come back to some of those basics. Clean up your mess. They are making a mess. But it is not the benign mess that is in some of the bedrooms of our kids, with toys, papers, and clothes scattered around; it is dangerous toxins, and it has to be cleaned up.

Tomorrow is an important vote. I hope tonight people will think about this debate because a lot of the things we do here maybe don't have such a direct impact on people's lives. This has a direct impact. What we breathe and the fish we eat are all related to what is going to happen tomorrow. I hope we will vote no on the Inhofe resolution and allow the EPA to do its work which 75 percent of the American people support. They want clean air, they want clean water, and we want to make sure they get it without interference. Let's vote down the Inhofe resolution and move forward with clean air. I think we will all be proud tomorrow if we can defeat that resolution.

I note the absence of a quorum and yield the floor.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

MORNING BUSINESS

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

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

VETERAN CARDIOVASCULAR DISEASE AWARENESS

Mrs. MURRAY. Mr. President, as chairman of the Senate Committee on Veterans' Affairs, I would like to take a moment to recognize the Department of Veterans Affairs and the American Heart Association for their work to raise awareness about the dangers of cardiovascular disease amongst our Nation's women veterans and service members.

VA's dedicated work on cardiovascular disease has successfully decreased the gaps between men and women veterans in heart disease prevention outcomes. However, as cardiovascular disease remains the No. 1 killer of women, I applaud VA and the American Heart Association's "Go Red for Women" campaign for partnering under the First Lady's Joining Forces Initiative to raise awareness and promote prevention amongst our Nation's female veterans. I am pleased to see VA focus its efforts on educating women veterans through an online fitness and nutrition program and an online support network to connect women with other women who share similar experiences.

Today, women serve in every branch of the military. Women represent 15 percent of our Nation's Active-Duty military, and they are the fastest growing population within the veteran community. The number of women veterans is expected to increase to 2 million in 2020 and with this projected increase it is critical that VA remain responsive to the unique needs of women.

Nearly one in two women, 44.4 percent, will die of heart disease and stroke. We must ensure that women receive equal access to VA health care benefits and services. This partnership between VA and the American Heart Association is a great step toward ensuring that women are educated on the dangers of cardiovascular disease and provided with the resources necessary to prevent it.

Mr. President, I applaud the collaboration between VA and the American Heart Association to raise awareness and increase prevention efforts on an issue that affects so many of our Nation's women veterans and civilian women throughout our country.

OBSERVING WORLD REFUGEE DAY

Mr. KERRY. Mr. President, Abraham Lincoln once spoke of our Nation as the last best hope on earth. On this World Refugee Day—the 11th of its kind and the 61st anniversary of the