RESERVATION OF LEADER TIME

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

ECONOMIC DEVELOPMENT REVITALIZATION ACT OF 2011

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

The legislative clerk read as follows:

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

Pending:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

AMENDMENTS NOS. 476 AND 411

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

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

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

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

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

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

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

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

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

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

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

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

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

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

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