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House of Representatives

The House was not in session today. Its next meeting will be held on Friday, June 15, 2012, at 10 a.m.

Senate

THURSDAY, JUNE 14, 2012

The Senate met at 9:30 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

God, You are our God. Eagerly we seek You, longing to see Your strength and glory. Today, assure the Members of this body of Your love and give them unshakeable confidence in Your providential leading. Lord, teach them what they should think and do, as You illuminate their path so that they will not stumble. As You have led this Nation through troubled times in the past, be now to us our source of life and light and wisdom. Inspire us all so that we may know and do Your will.

We pray in Your sovereign Name. Amen.

PLEDGE OF ALLEGIANCE

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

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 14, 2012.

To the Senate:

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

DANIEL K. INOUYE,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

FLOOD INSURANCE REFORM AND MODERNIZATION ACT—MOTION TO PROCEED—Resumed

Mr. REID. I now move to proceed to Calendar No. 250, S. 1940.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 250, S. 1940, a bill to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes.

SCHEDULE

Mr. REID. Mr. President, following my remarks and those of Senator MCCONNELL, if any, the next hour will be divided and controlled between the two leaders. It will be equally divided. The majority will control the first half and the Republicans will control the final half.

We are still working on trying to finish an agreement to the farm bill so we can move forward. It is disappointing we don't already have something, but hope is still here, and I hope we can get that done. It is a very important piece of legislation, but a few Senators are holding this up and that is too bad. I have agreed we can have some amendments. I had a nice colloquy on the floor yesterday with Senator COBURN, who is concerned about this bill and legislation generally. He indicated that he thought it was a good idea to have a number of amendments and start voting on them, so I hope we can get there. We can't do all 250 amendments that are out there, but we can do a lot of them, so let's see where we are. I hope we can get it done.

We are on the flood insurance bill. We have to get to that. The flood insurance expires at the end of this month.

We will continue to work on an agreement with the farm bill.

I also hope to reconsider the failed cloture vote on the nomination of Mari Carmen Aponte, to be an ambassador to the Republic of El Salvador.

Votes are possible throughout today's session. Senators will be notified when they are scheduled.

Would the Chair announce the business of the day.

RESERVATION OF LEADER TIME

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

Under the previous order, the following hour will be equally divided and

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

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controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half.

Mr. REID. I note the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

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

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

EPA MERCURY RULE

Mr. WHITEHOUSE. Mr. President, last December, the Environmental Protection Agency finalized a rule called the Mercury Air Toxics Standard for powerplants. This rule is important, and it was long overdue.

Many Americans might not realize that before last December, there were no Federal standards for mercury or the other toxic air pollution pouring out of our Nation's powerplants. Thirty-two years ago, Congress directed EPA to limit toxic air pollution from all big polluting industries. In response, EPA set standards for nearly 100 industries across our Nation. However, until December, there were no such standards for the utility industry—the biggest source of mercury, arsenic, and other toxic air pollution in the country.

Now there are standards in place, estimated to provide $3 to $9 of health and economic benefits for every $1 invested in pollution controls. We should be celebrating this sensible yet significant public health achievement. Yet from the other side of the aisle we only hear about the $1 that the polluters have to spend to clean up. We never hear about the $3 to $9 the rest of the public saves as a result of the pollution being cleaned up.

We hear about the cost to the polluter all the time. We never hear about the cost, for example, of an asthma attack caused by soot and ozone. We never hear about the public health cost to all of us of the child having to go to the emergency room for an asthma attack. We never hear about the cost to the business of the mom who is not at work that day because she is off on a sick day taking care of that child in the emergency room or, if she is working on a regular wage, maybe it is on her. Maybe she does not get paid for that day because she is in the emergency room with her child. We never hear about that cost.

How about the simple cost of a mother stuck in an emergency room with a child having a pollution-provoked asthma attack, waiting anxiously—waiting for the nebulizer to kick in, waiting for that little oxygen meter on the child's finger to show that the oxygen levels are back where they should be? That is not even counted—the worry of a mom for her child having a pollution-caused asthma incident. We never hear about that. We never hear about the dollar side. All they talk about, all we hear about from them is the $1 the polluter has to pay to clean up their pollution—never, in this case, the $3 to $9; in other cases it is $35 to $1, over $100 to $1.

Instead, we have colleagues on the other side who want to halt this progress—notwithstanding the savings for virtually every American—with a resolution we are facing now that would void these new standards—standards that have just emerged after 32 years for the first time regulating toxic pollution out of utility plants. This resolution would not only void the new standard, but it would bar EPA from ever setting similar limits on powerplants in the future.

In speeches against these public health standards, one of my colleagues appears somewhat confused about the mercury air toxic standards. I wish to set the record straight on two points. One, this colleague has complained that the technology does not exist to meet these standards. That is the complaint: the technology does not exist to meet these standards. But if you look at the Clean Air Act, it directs the EPA—as EPA did—to set these standards based upon the performance of the top 12 percent in the industry—the actual performance of the top 12 percent in the industry. In other words, at least one out of every eight powerplant units must already be meeting each of the standards that is set. This is not a case in which the technology does not exist. This is a situation in which one out of every eight plants is already meeting it. The technology assuredly exists, demonstrably exists. What EPA is doing is leveling the field so that utilities do not get a competitive advantage by running dirtier powerplants than their fellow utilities.

This colleague has also complained that the rule establishes standards for toxic air pollution other than mercury. Well, limiting all toxic air pollution at once is more efficient for the utilities than tackling each pollutant separately. Frankly, if we are going at mercury once, and then later arsenic—and over and over the utilities had to go back and recalibrate—we would be hearing complaints that was the wrong way to do it. So if you do it all at once, they complain; if you do it separately, they would complain. The bottom line is, any time polluters are asked to clean up their act, some people are going to complain.

In section 112(d) of the Clean Air Act, Congress told the EPA that they shall establish emission standards for each category of major sources of the toxic air pollutants listed in section 112(c). Congress provided a list of 180 pollutants, which EPA used as the basis for the powerplant standards. You cannot fault EPA for that. Moreover, the staggering health benefits of this rule—4,700 fewer anticipated heart attacks, 130,000 fewer cases of child asthma symptoms, 5,700 fewer emergency room visits each year—flow from limiting all toxic air pollution from powerplants—not eliminating, limiting all toxic air pollution from powerplants rather than just mercury.

In pointing out that EPA correctly sought to limit all toxic air pollution from powerplants, I do not want to gloss over the importance of setting those Federal mercury standards. As I indicated earlier, powerplants are the largest source of airborne mercury pollution in the United States.

Mercury, as everybody knows, is a neurotoxin that can be most devastating to developing nervous systems. The reason we have the phrase ''mad as a hatter'' is because hatters used mercury in their work and it affected their brains. It is a neurotoxin. Exposure to mercury in utero, or as a child, can permanently reduce a person's ability to think and learn. For this reason, women of childbearing age, infants, and children must avoid mercury exposure.

What does this mean for Rhode Island? Many of you have heard me talk about the out-of-State air pollution that plagues my State. Most air pollution in Rhode Island is not generated from within our borders. It is sent from sources hundreds, even thousands of miles away. It is sent by powerplants out of State in significant measure.

On a clear summer day in Rhode Island, we will be commuting in to work, and we will hear on the drive-time radio: Today is a bad air day in Rhode Island. Infants, seniors, and people with respiratory difficulties should stay indoors today; otherwise, it is a beautiful day—a summer day when kids should be out playing. But if they have asthma, if they have a respiratory ailment, no, they are condemned to stay indoors—not because of anything that happened in Rhode Island but because of out-of-State pollution, mostly from these powerplants.

So the same sources that create those bad air days for Rhode Island—that force seniors and infants and children, people with respiratory difficulties to stay indoors on an otherwise fine summer day—also send us mercury pollution, which is why, although Rhode Island does not have a single coal-fired generating unit within its borders, our health department has to issue fish advisories.

If there is one emblematic image of American families doing something in the out-of-doors, it is the parent or grandparent taking their child—their son or their daughter—or their grandchild fishing. Norman Rockwell has captured this image. Many of us have similar images stored away in our childhood memories.

Yet today if a child goes fishing with her grandfather in Rhode Island, she cannot eat the fish she caught. The Rhode Island Department of Health warns that pregnant women, women thinking of becoming pregnant, and small children should not eat any

freshwater fish in Rhode Island. The health department also warns these populations not to eat some saltwater fish, such as shark and swordfish, because they have high levels of mercury stored in their fat. The health department suggests that no one in Rhode Island should eat more than one serving of freshwater fish—not just children, women who are pregnant, and women thinking of becoming pregnant—no one in Rhode Island should eat more than one serving of freshwater fish caught in our State each month in order to protect against mercury poisoning.

Finally, the health department warns that no one should ever eat any of the fish caught in three bodies of water in Rhode Island: The Quidnick Reservoir, Wincheck Pond, and Yawgoog Pond. For those of us who remember fishing as kids and eating what we caught, this is a sad state of affairs, and this is a state of affairs caused by polluters. This cost of a family not being able to go to Quidnick Reservoir, to Wincheck Pond to catch a fish, to take it home, to fry it up, to eat it—to do things that are as American as apple pie, in some respects—is because of the polluters.

Mrs. BOXER. Mr. President, will the Senator yield at this point for a question?

Mr. WHITEHOUSE. Of course.

Mrs. BOXER. First, I want to thank the Senator so much—so much—for taking to the floor today and explaining to everyone within the sound of his voice that we face a very important vote, because we have a colleague on the other side of the aisle who wants to say to the Environmental Protection Agency: Stop your work and allow polluters to continue to poison this atmosphere and those of us who live in it. You are talking about mercury. There is arsenic, there is lead, there is formaldehyde. We have to say to the utilities: Clean up your act. We are giving them enough time to do it.

I want to ask my friend a question, and then I will yield altogether to him. The question is, is my friend aware that the cost-benefit ratio of this rule that Senator INHOFE wants to now repeal is 9 to 1? In other words, for every $1 that we put in to make sure this pollution goes away or is controlled, there is $9 of benefits in health? Is my colleague aware of that?

Mr. WHITEHOUSE. First of all, let me thank my wonderful chairman of the Environment and Public Works Committee for joining me on the floor and asking me this question. The figure I have used—I have been more conservative—is in a range between $3 and $9. But there is a very significant payback. As I was pointing out, that payback actually counts in hard dollars to the public. It does not count things such as, as I mentioned in my speech, the worry of a mom spending the day in the emergency room waiting for her child's breathing to recover. It may take into account her or her employer's economic loss. It does not take into account her worry. It does not take into account the grandfather not being able to take the fish home from Yawgoog Pond because it is now poisonous because out-of-State polluters have dumped mercury into the atmosphere and into the pond for so long.

Those are real costs if you have a traditional American kind of family and people go fishing together and do things such as that. You cannot do that any longer. That does not even count in the equation. The polluters get to take that away from America for free in that equation.

But, as I said, what is interesting is that our friends on the other side only seem to think about, only seem to notice, only seem to talk about the $1 that the polluters have to pay to clean up their act. They do not talk about the folks who get the jobs repairing the pollution, building the scrubbers—the American jobs that creates. They just talk about their cost, and they do not talk at all about the cost on the other side—the health care costs, the job losses, the loss of education, the long-term health damage that people undertake.

SURFACE TRANSPORTATION

While the Senator is on the floor, let me tell my chairman how proud I am of the job she did yesterday on our highway bill. Getting out there with those big trucks and with the big, heavy paving equipment was a wonderful way of demonstrating to the public what has happened here, which is that the most important jobs bill the Senate has passed this year is being blocked by the House to eliminate or damage the summer construction season for highway work.

In my State, as I think I have told the Senator, we have more than 90 projects on the roster for this summer's highway construction season. Forty of them are falling off because of the delay from March until June that the Republicans already forced on us.

As the Senator has told me, they are trying to push for another delay that is going to knock more projects off, put more people out of work. Ours was a bipartisan bill. It could not have been better and more openly and transparently run by the Senator and her ranking member, Senator INHOFE.

There are 2.9 million jobs at stake. Everybody gets that our roads and highways need repair. Yet a group of Republicans in the House of Representatives will not agree to go forward. And time is running out on this summer's construction season.

Mrs. BOXER. Right.

Mr. WHITEHOUSE. They get the benefit of knocking down jobs in the runup to the election, which I think is a disgraceful way to go about the Nation's business. But we cannot move them. The irony and the tragedy here is, if Speaker BOEHNER would call up this bipartisan Senate transportation bill, it would pass.

Mrs. BOXER. That is right.

Mr. WHITEHOUSE. It would pass with Republican votes and Democratic votes, and we could put people back to work across this country right now, doing the work that every American knows our highway system needs. This is not bridges to nowhere. This is bridges that people drive across to get to work. This is potholes and highways and places like 95 that goes through Providence on a viaduct. It is falling in so much that they have put planks underneath it to keep the pieces that fall through from landing on the Amtrak trains and the car traffic underneath.

We need this work. We need these jobs. It is so disingenuous and so cynical to stop this work just because there is an election coming. What the Senator did yesterday to press on that was very important. I appreciate that.

I see Senator UDALL.

I yield the floor.

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

WIND PTC

Mr. UDALL of Colorado. Mr. President, I rise again to continue the fight for our effort to extend the production tax credit for wind. I am going to continue to return to the floor every morning until we get the PTC extended.

It has a positive economic effect on each and every one of our States and we ought to immediately extend it. If we do not, there are tremendous risks because there will be uncertainty. There will be 37,000 jobs at risk, per the estimate of the American Wind Energy Association, in 2013, if we let this important, crucial tax credit expire.

On the other hand, looking at this prohibitively, a recent study by Navigant concludes that a stable tax policy would allow the wind industry to create and save 54,000 jobs. That is a clear choice. Do we want to lose 37,000 jobs or do we want to create and save 54,000 more?

Over the last number of years in tough economic times, the wind industry has been a bright spot. We have seen growth in the wind industry on the manufacturing side, and these are good-paying jobs. But we are at a make-or-break moment for wind energy. If we let the wind PTC expire, we will lose thousands of jobs and billions of dollars in investment.

We also run the real risk of losing our position in the global economic race for clean energy technology. Other countries are taking note. While we are dithering in the Congress, our foreign competitors are literally eating our lunch.

I am about to attend a hearing in the Energy Committee on our competitiveness in the clean energy sector. We are going to be discussing how China is outpacing us in the clean energy economy. The witnesses, I know, will emphasize—because I have seen their testimony—that we have to improve and maximize domestic manufacturing capacity or we risk losing these jobs to overseas competitors.

I wish to give an example this morning. In North Carolina, there is a company, PPG Industries. It is a fiberglass company, hundreds of employees. They have been threatened by foreign competition in the last few years. Fiberglass is a primary component of wind turbine blades. The company has found new buyers in the wind industry.

I wish to quote the manager, Cheryl Richards, of this factory. She has urged us to act. She said:

> That's investment in the U.S. That's investment in jobs, in technology, in the future, in clean energy. If we're not doing it, there are people across the ocean who will. And they'll be happy to sell their products here.

So while we cannot get our act together in Congress to pass the wind PTC, our economic competitors in Europe and Asia have moved ahead. They have developed robust manufacturing capacity to serve both their domestic demands, and now they are beginning to sell all over the world.

To emphasize how real this threat is, I wish to show all of the viewers and my colleagues what has happened in the past when the PTC has expired. Look back in 2000. There was a 93-percent drop. There was a 73-percent drop from 2001 to 2002. It does not make sense. I hear this from Coloradans. I hear this from Americans.

Wind project developers in the United States and American manufacturers are not receiving orders. We could see another boom-and-bust cycle, where we get a 73-percent or 93-percent drop in installations. Our economy does not need that, especially right now. So there is a time for leadership. It is time to show the American people we can bridge partisan divides in the Congress, we can act, and we can take urgent action.

Let's get the wind PTC reauthorized as soon as possible. It is within our power to stop sending jobs overseas, to prevent falling behind major economies such as China, Germany, India, and to stop harming domestic industries and manufacturing.

Again, look at this chart. This tells the story. We have to stand and do the right thing. Let's start by passing the wind PTC extension now. We can do it today. I am going to continue coming back to the floor of the Senate until we get the wind PTC extended.

TRIBUTE TO TEJAL SHAH

As my time begins to expire, I wished to take a moment of personal privilege and note that Tejal Shah, who has been working in my office as a fellow from the State Department, is leaving my office this week. She is returning to the State Department to continue doing her work there.

I wish to thank her for the phenomenal support she has given me, for the knowledge and skill she has brought to my office. I wish her well in her efforts at the State Department.

I yield the floor and I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

Mr. UDALL of New Mexico. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. UDALL of Colorado). Without objection, it is so ordered.

Mr. UDALL of New Mexico. Mr. President, I ask unanimous consent to speak for 5 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from New Mexico is recognized.

UTILITY MACT

Mr. UDALL of New Mexico. Mr. President, I also, as my colleague Senator WHITEHOUSE did, wish to thank the chairman, BARBARA BOXER, for her hard work and her leadership to protect our air and our public health on this crucial vote that is going to come up later this month.

I rise in opposition to the resolution of disapproval that we expect Senator INHOFE to offer. This resolution would permanently block the EPA from reducing mercury and toxic pollution from powerplants in the United States. The standard is called the Maximum Achievable Control Technology standard or Utility MACT.

By blocking this standard, this resolution is bad for public health. This resolution is also bad for America's natural gas producers. This resolution is especially bad for electric utilities that did the right thing and followed the law. Environmental protection should be a bipartisan issue. Republicans and Democrats both passed the Clean Air Act, the Clean Water Act, and other environmental laws by wide margins.

I urge both parties not to support this resolution. Here are some key points on the public health issues that are before us when this resolution comes to the floor: The Environmental Protection Agency estimates this standard will save 4,000 to 11,000 lives per year by reducing toxic pollution. The EPA also estimates this standard will prevent nearly 5,000 heart attacks and 130,000 childhood asthma attacks.

Mercury is a powerful neurotoxin. It is mostly a threat to pregnant women and young children. We took lead out of gasoline, we can also take mercury out of smokestacks. Similar to many westerners, I know the Presiding Officer and I both enjoy fly fishing. In too many areas in America, we have mercury advisories for fish from American lakes and rivers.

In New Mexico, most of our streams are under mercury advisories, which means pregnant women and children cannot eat the fish from those streams. We cannot put a price on healthy children. But if we try, this rule produces tens of billions of health benefits each year.

This resolution of disapproval could permanently block these benefits. I would also like to talk about the impact of this resolution on natural gas. Natural gas has much lower toxic emissions than coal. It has no mercury. It has no soot, known as particulate matter. Recent discoveries of U.S. natural gas have led to a 100-year supply. Natural gas prices are low. While that is actually bad for New Mexico's economy in some places, it is good for consumers.

Natural gas has increased its market share in the power sector from 20 to 29 percent recently because it is a lower cost and cleaner fuel. EPA standards do not ban coal, but they do call on coal to compete on a level playing field and reduce its pollution. If we pass this resolution, we will inject further uncertainty into the utility sector, which is balancing its portfolio to more equal shares of coal and gas as opposed to being overly reliant on coal.

I support research in defining ways to clean up coal. If we put our minds to it, we may be able to take out the toxic pollutants.

I see the Senator from Arizona is on the floor. I first wish to thank him for allowing me a couple minutes to get my statement in.

I yield the floor.

Mr. MCCAIN. If the Senator from New Mexico desires a few extra minutes, I would be more than happy to yield.

Mr. UDALL of New Mexico. I thank the Senator. I will take 1 more minute to finish.

Finally, I would like to note that this resolution is a bailout of companies that would rather spend money on lobbying than on pollution controls. The EPA standard does not harm responsible coal companies. It is achievable with current technology. It is my understanding that most or all of the coal plants in New Mexico already have the technology to meet these standards. The Public Service Company of New Mexico has invested in mercury controls to reduce pollution in our State. Across the Nation, many other utilities have as well.

A variety of business groups support EPA's mercury standard, including the Clean Energy Group of utilities, the American Sustainable Business Council, and the Main Street Alliance. Those standards are required by the Clean Air Act. If we block them, we will punish the law abiders and bail out the procrastinators. I urge my colleagues to oppose the resolution of disapproval.

Once again, I thank Senator MCCAIN.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

FARM BILL AUTHORIZING

Mr. MCCAIN. Mr. President, I note the Presiding Officer was paying close attention to the Senator from New Mexico. I think that is entirely appropriate for that to happen. I am sure it certainly has nothing to do with family allegiance.

The Senate is considering the farm bill, which we do every 5 years. During

this debate, Americans will hear speeches about spending reductions and cuts to farm subsidies. I concede that there is some of that in this bill.

Unfortunately, so far we have failed to have an open and fair amendment process that should be the case in the Senate. I have several amendments I would like to have considered. Similar to my other colleagues, we have been prevented from doing so. I have been in this body for some years during the consideration of previous farm bills. I have always been able to have a couple amendments considered and voted on.

Unfortunately, that does not seem to be the case in the consideration of this farm bill.

It is very regrettable and unfortunate that we cannot just start voting on amendments and then see where we are. Instead, we have the filling of the tree and other language, and most Americans have no idea what we are talking about. But it does prevent this body from considering the amendments of Members on both sides of the aisle. It is unfortunate.

Also, the fact remains that the programs authorized under this farm bill consume a colossal sum of taxpayer dollars. It is over 1,000 pages and is estimated to cost $969 billion over 10 years. Again, that is $969 billion over 10 years. That is about $1 billion per page. It is a 60-percent increase from the previous farm bill, which was passed in 2008. While I believe it is necessary to assist low-income families with nutrition programs, we should keep farmers out of the red when a natural disaster strikes.

I am also mindful of the taxpayers who are saddled with a $1.5 trillion deficit and a ballooning $15 trillion national debt. The farm bill is certainly ripe for spending cuts. Some have taken place—not nearly as much are necessary. As usual, the farm bill, being 1,000 pages long, is filled with special deals for special interests.

I acknowledge that the Senate bill generates $23 billion in savings, and that is a notable accomplishment. We have finally done away with Depression-era farm subsidies such as ''direct payments'' and the ''countercyclical program,'' which encourages overproduction, thereby triggering more farm subsidies to compensate for depressed prices. Unfortunately, it seems that Congress's idea of farm bill reform is to eliminate one subsidy program only to invent a new one to take its place. Cutting direct and countercyclical payments actually saved the taxpayers about $50 billion, but rather than plug that money into deficit reduction this farm bill blows $35 billion of its own savings on several new subsidy programs.

For example, we have a new agricultural risk coverage subsidy program, or ARC, which works by locking in today's record-high crop prices and guaranteeing farmers up to an 89-percent return on their crop. ARC could cost taxpayers anywhere from $3 billion to $14 billion each year, depending on market conditions. We also create a new $3 billion cotton subsidy program called STAX, which the Brazilian Trade Representative has signaled will escalate their WTO antidumping complaint against the United States. I wonder how many of our taxpayers know that we already pay Brazil $150 million a year to keep our cotton programs. Why would we make things worse?

This bill authorizes the creation of a new marginal loss subsidy program for catfish. This bill maintains a $95 billion federally backed crop insurance program, which also subsidizes crop insurance premiums. We then pile on a new $4 billion program called supplemental coverage option, or SCO, that subsidizes crop insurance deductibles. Subsidized insurance, subsidized premiums, and subsidized deductibles—I am hard pressed to think of any other industry that operates with less risk at the expense of the American taxpayer.

This is all part of farm bill politics. In order to pass the farm bill, Congress must find a way to appease every special interest of every commodity association, from asparagus farmers to wheat growers. If you cut somebody's subsidy, you give them a grant. If you kill their grant, then you cover their insurance programs.

Let's look at several other handouts that special interests have reaped in this year's farm bill, which may account for the size of the bill.

The bill authorizes $15 million to establish a new grant program to ''improve'' the U.S. sheep industry. We are going to spend 15 million of your taxpayer dollars to improve the U.S. sheep industry.

The bill authorizes $10 million to establish a new USDA—Department of Agriculture—program to eradicate feral pigs. I have always been against pork spending, but now we are going to spend $10 million to establish a new USDA program to eradicate feral pigs.

The bill authorizes $25 million to study the health benefits of peas, lentils, and garbanzo beans—$25 million to study the health benefits of peas, lentils, and garbanzo beans. I know mothers all over America who have advocated for their children to eat their peas will be pleased to know there is a study that will cost them $25 million as to the health benefits of peas, lentils, and garbanzo beans.

It authorizes $200 million for the Value Added Grant Program, which gives grants to novelty producers such as small wineries and—I am not kidding—the occasional cheesemaker.

There is $40 million in grants from the U.S. Department of Agriculture to encourage private landowners to use their land for bird-watching or hunting. We are looking at a $1.5 trillion deficit this year, and we are going to spend $40 million to encourage private landowners to use their land for bird-watching or hunting. I am all for bird-watching, and I support hunters—not to the tune of $40 million.

The bill authorizes $700 million for the Agriculture and Food Research Initiative—$700 million. That funds a variety of research grants, such as testing pine tree growth in Florida or studying moth pheromones. I have no clue what a moth pheromone is. When did it become a national priority to study moth pheromones?

There is $250 million for the U.S. Department of Agriculture's Urban Forest Assistance Program, which spends Federal funds to plant trees in urban parks and city streets. There is a new program that spends $125 million to promote healthy food choices in schools. There are already at least four other healthy eating educational programs in this bill. There are already four, but we are going to add another $125 million program for another healthy eating educational program.

There is $200 million for one of my all-time favorites, the Market Access Program, which has been there for years, which subsidizes overseas advertising campaigns of large corporations. We have, of course, the infamous mohair wool subsidy, which has been fleecing the American people since 1954. When Congress passed the 1954 farm bill, they wanted to ensure a domestic supply of wool for military uniforms by paying farmers to raise, among other things, angora goats for mohair. This may have held merit then, but nobody can dispute that mohair became obsolete, thanks to synthetic fibers. Today we use mohair in custom socks, fashionable scarves, and trendy throw rugs. Some of my colleagues may recall that Congress killed off mohair subsidies in the 1990s. Unfortunately, goats are reputed to eat just about anything, and our hard-earned tax dollars are no exception.

By the time Congress passed the 2002 farm bill, mohair subsidies had been restored. The mohair program, which costs taxpayers about $1 million a year, may not be particularly expensive compared to most farm programs. I suppose where some of my colleagues see a minor government pittance for wool socks I see a disgraceful example of how special interests can embed themselves in a farm bill for generations.

As if field corn and ethanol subsidies weren't nefarious enough, this farm bill includes a new carve-out for popcorn subsidies—I am not making it up. This is a perfect example of farm bill politics. Thanks to a provision snuck into a 2003 appropriations bill, popcorn started receiving millions of dollars in ''direct payment'' subsidies. However, because the new farm bill eliminates direct payments, the popcorn industry is scrambling to be added to the newly created ARC Program. Under this farm bill, popcorn will be subsidized to the tune of $91 million over 10 years, according to CBO.

The cooking oil that movie theaters use to heat popcorn is already subsidized, as well as the butter they put on top. So popcorn is doing fine is the

truth of the matter. The price of popcorn has risen 40 percent in recent years, thanks in part to ethanol, and recent free-trade agreements with Colombia and South Korea are creating a boom for American popcorn exports. There isn't a kernel of evidence that they need this support from taxpayers.

The Sugar Program is another masterful scam. The USDA operates a complex system of important tariffs, loans, and government production quotas that restrict sugar imports and keeps sugar prices artificially high. The sugar barons will tell us that the Department of Agriculture Sugar Program operates at ''no net cost'' to the American taxpayers because sugar didn't receive ''direct payments.''

In actuality, businesses and consumers bear the burden of the Sugar Program by paying higher costs for any sweetened product. Every year, American consumers are forced to pay an extra $3.5 billion on sweetened food products.

Just yesterday, the Senate voted to table an amendment to phase out the Sugar Program, which is quite a sweetheart deal for sugar growers.

Finally, one of my favorites of all time is regarding catfish. I have an amendment that will repeal the farm bill provision that directs the USDA to create a new catfish inspection office. I am grateful for the support of my colleagues who cosponsored it. What we are attempting to do with this amendment is simple: It puts an end to the latest attempt by southern catfish farmers to restrict catfish imports.

Five years ago, a protectionist provision was snuck into the 2008 farm bill that requires the Department of Agriculture to begin inspecting catfish. As my colleagues know, the USDA inspects meat, eggs, and poultry but not seafood. That is a whole new government office. It is being developed at USDA just to inspect catfish. Catfish farmers have tried to argue that we need a catfish inspection office to ensure Americans are eating safe and healthy catfish.

I wholeheartedly agree that catfish should be safe for consumers. The problem is that FDA already inspects catfish, just as it does all seafood, screening it for biological and chemical hazards. If there were legitimate food safety reasons for having USDA inspect catfish, we would not be having this discussion. Don't take my word for it, just ask USDA.

When the Department of Agriculture completed an internal assessment for the program in December 2010, the Department said it could not establish a ''rational relationship'' between the catfish office and the risks to human health, concluding, ''There is substantial uncertainty regarding the effectiveness of the catfish inspection program.'' The Department of Agriculture estimates that this questionable program will come at a cost to taxpayers of $30 million just to create the office and another $14 million each year thereafter.

GAO has also extensively examined the catfish office. In February 2011, GAO released a report saying the catfish office is at ''high risk'' for fraud, waste, and abuse, and it is ''duplicative'' of FDA's functions and would fragment our food safety system. Just last week GAO issued a new report, titled ''Responsibility For Inspecting Catfish Should Not Be Assigned to USDA,'' and they called upon Congress to repeal the catfish office.

This isn't the first time consumers have been hoodwinked by southern catfish farmers. When the Senate considered the 2002 farm bill, they slipped in an obscure provision that made it illegal to label Vietnamese catfish as ''catfish'' in the United States. At that time, the State Department had recently reopened trade relations with Vietnam, and domestic catfish farmers in Southern States found themselves competing against cheaper catfish imports. Domestic catfish farmers wanted to discourage American consumers from buying Vietnamese catfish by marketing it under the Latin name ''pangasius,'' or ''panga,'' even though it is virtually indistinguishable from U.S.-grown catfish.

Although the panga labeling law was enacted, it ultimately backfired on catfish farmers because panga catfish remained popular with American consumers. It is a senseless law, and my colleagues may recall that I came to the floor to fight against it. I asked the question: ''When is a catfish not a catfish?'' Why would Congress pass a law that renames a species of catfish into something else? Why single out catfish and put it in the same category as USDA-inspected beef. Ironically, catfish farmers are lobbying USDA to relabel Vietnamese ''panga'' back to ''catfish'' to ensure Asian imports are subject to this new catfish office.

So the catfish office offers no legitimate food safety benefit. Its true goal is to erect trade barriers on Asian catfish imports to prop up the domestic catfish industry and make American consumers pay more.

The farm bill before us has some laudable parts to it. There are some reductions in spending. When we examine the bill, however, we find more and more of this kind of special interest, unnecessary spending, and programs that either are protectionist in nature or programs that have been inserted sometimes in the middle of the night in the past. We have also just begun to examine a number of provisions in this bill, which I did not discuss today.

I wish the small business men and women in my State had a bill for small business, a bill that would help them in the very difficult times they are experiencing, in the terrible economic times which have caused them to not be in business anymore so that they and their families are going through the most difficult of times. This is obviously a well-intentioned bill, but I also think in these harsh economic times it is far from the kind of legislation we owe the American people.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

PRESERVING WATERS OF THE USA ACT

Mr. HELLER. Mr. President, I rise today to discuss one of the biggest threats to economic growth in this country, and that is this administration's job-killing regulatory agenda.

My goal in the Senate is to promote policies that create jobs. With my home State of Nevada leading the Nation in unemployment, I do not believe the private sector is doing just fine, and I support commonsense policies that give our job creators the necessary tools to provide for long-term economic growth.

Under the current administration, they seem bent upon issuing regulation after regulation that threatens existing jobs and preventing new ones from being created. As I have stated before, you cannot be projobs and antibusiness at the same time.

With unemployment at 11.7 percent in Nevada—and it continues to lead the Nation in unemployment—the only things as scarce as jobs in Nevada are private property and water. Roughly 87 percent of Nevada is controlled by the Federal Government, and the remaining 13 percent is heavily regulated by the Federal Government also. Nevada is also one of the driest States in the Nation. Because of this, water is a very precious commodity.

As we debate the farm bill, I am proud to join with some of my colleagues in their efforts to provide some much needed regulatory relief for American farmers in rural America. However, the latest efforts by this administration go well beyond the agricultural sector.

For years there has been a concerted effort to expand the regulatory reach over water in this country. After years of failed attempts to legislatively change the scope of regulatory authority over water, the EPA is now trying to overturn both congressional intent and multiple Supreme Court decisions to further their goal of overregulation.

To put it into context, if this regulation were enacted, it would give the EPA and the Army Corps of Engineers the ability to regulate irrigation ditches, large mud puddles, or anything that contains standing water, regardless of whether it is permanent, seasonal, or manmade. Never before under the Clean Water Act have Federal regulations extended this far. This was not the intent of Congress when writing the Clean Water Act, and Congress has repeatedly rejected any legislative effort to alter the existing law.

More disturbing, the administration has bypassed public outreach and has

neglected to consider the economic impact of their proposed action. This is in addition to ignoring the fact that the Supreme Court twice affirmed the limits of the Federal authority under the Clean Water Act. But apparently the EPA believes it does not have to adhere to laws of the land.

Expanding the Federal regulatory overreach into water also infringes on private property rights. It stops investments and development and infrastructure projects, including housing, schools, hospitals, roads, highways, agriculture, and energy. In my home State, this regulation will hurt farming, ranching, mining, and construction—the same middle-class, blue-collar jobs this administration claims to care about.

In an already struggling economy, we cannot afford to create additional regulatory barriers that will cost jobs and prevent future economic growth. That is why Senators BARRASSO, INHOFE, SESSIONS, and I have offered an amendment to the farm bill, as well as a stand-alone piece of legislation that would preserve the current definition of waters of the United States. The Preserve the Waters of the United States Act is simply straightforward legislation that would preserve the current definition of Federal waters as well as uphold private property rights.

Opposition to this legislation has been disingenuous. It is ridiculous to assert that supporters of this important legislation are opposed to clean water. What I am opposed to is the Federal Government continuing its overreach and further hurting our economy and jeopardizing personal property rights and States rights. I am opposed to giving Washington bureaucrats the authority to regulate your backyard. And I am opposed to this administration using a closed-door process to issue job-killing regulations that have become far too common.

I had hoped for a vote on this amendment that will allow the Senate to make a clear choice between jobs and an extreme environmental agenda. Unfortunately, the amendment process has once again broken down, and we will not have the ability to openly debate this important issue.

I encourage my colleagues to support the Preserve the Waters of the United States Act and show their constituents that they stand with job creators. There is a vast and diverse coalition of support for our efforts to limit the Federal Government's overreach. It includes local governments, municipalities, manufacturers, small businesses, and many more.

As an outdoorsman, I am committed to good stewardship of our natural resources and believe that we do not have to choose between a healthy environment and economic prosperity. The Preserve the Waters of the United States Act is a commonsense solution that will prevent jobs from being destroyed and keep private property rights from being further eroded by this Federal Government. I respectfully urge all of my colleagues to support this legislation and bring it to a vote.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

FARM BILL AMENDMENTS

Mr. SANDERS. Mr. President, I will be speaking about two amendments that I intend to offer as part of the farm bill. I think both amendments are extremely important, and both amendments have the support of the vast majority of the people of our country. They may not have the support of powerful special interests, but I think that from Maine to California, people will be supporting these amendments.

The first one is amendment No. 2310, which is cosponsored by Senator BARBARA BOXER of California.

All across our country, people are becoming more and more conscious about the foods they are eating and the foods they are serving to their kids, and this is certainly true for genetically engineered foods. This is a major concern in my State of Vermont, I know it is a major concern in Senator BOXER's State of California, and it is a major concern all over our country.

This year in my State of Vermont, our legislature tried to pass a bill that would have required foods that contain genetically engineered ingredients to have that information on their labels. That information would simply give consumers in the State of Vermont the knowledge about the ingredients that are in the food they are ingesting—not, I believe, a terribly radical idea.

I personally believe, and I think most Americans believe, that when a mother goes to the store and purchases food for her child, she has the right to know what she is feeding her child, what is in the food she is giving to her kids and her family. This concern about genetically engineered labeling brought out a huge turnout to the Vermont State legislature of people who were supportive of this concept. In fact, it was one of the most hotly debated and discussed issues in our legislature this year. Over 100 Vermonters testified at a committee meeting—the Committee on Agriculture meeting of the State of Vermont—in favor of this legislation. We are a small State. Hundreds more crowded in the statehouse to show their support.

What people in Vermont, and I believe all over this country, are saying, simply and straightforwardly, is: We want to know what is in the food we are eating and whether that food is genetically engineered. Clearly, this is not just a Vermont issue. Almost 1 million people in the State of California signed a petition to get labeling of genetically engineered food on the November ballot. In California, a big State, 1 million people is a lot of people. In other words, what we are seeing from Vermont and California and all over this country is people want to know what is in the food they are eating and they want to know whether that food is genetically engineered. I thank Senator BOXER of California for representing the people of her State in cosponsoring this legislation.

This is not just a Vermont issue. It is not just a California issue. According to an MSNBC poll in February of 2011, 95 percent of Americans agree that labeling of food with genetically engineered ingredients should be allowed. Those polling numbers have been consistently over 90 percent dating back to 2001.

What we are seeing in polling, year after year, is people want to know what is in the food they are eating. Not everybody agrees. Monsanto, one of the world's largest producers of genetically engineered food, does not like this idea. Monsanto is also the world's largest producer of the herbicide Roundup, as well as so-called Roundup Ready seeds that have been genetically engineered to resist the pesticide. It is no mystery why Monsanto would fight people's right to know. Business is booming for this huge chemical company. It raked in over $11 billion in revenues and cleared $1.6 billion in profits in 2011. This year is going pretty well for Monsanto.

Once it seemed possible that Vermont could pass the bill. That is because the people of the State of Vermont want to see that legislation passed. But our friends at Monsanto threatened to sue the State if that bill was passed. Sadly—and this is what goes on in politics, not just on this issue but on so many issues—despite passing out of the House Committee on Agriculture by a vote of 9 to 1, the bill did not make it any further because of the fear of a lawsuit from this huge, multinational corporation.

Today, we have an opportunity, with the Sanders-Boxer amendment, amendment No. 2310, to affirm States rights to label food that contains genetically engineered ingredients. This amendment recognizes that the 10th amendment to the U.S. Constitution clearly reserves powers in our system of federalism to the States and to the people. In other words, that is what federalism is about. This amendment acknowledges that States have the right to require the labeling of foods produced through genetic engineering or derived from organisms that have been genetically engineered. Simply put, this amendment gives people the right to know. It says that a State, if its legislature so chooses, may require that any food or beverage containing a genetically engineered ingredient offered for sale in that State have a label that makes that information public and clear.

It also requires that the Commissioner of the FDA, with the Secretary of Agriculture, shall report to Congress within 2 years on the percentage of food and beverages in the United States that contain genetically engineered ingredients.

There are strong precedents for labeling. The FDA, as everybody knows, already requires the labeling of over 3,000 ingredients, additives, and processes. If we want to know if our food contains gluten, aspartame, high-fructose corn syrup, trans fats or MSG, we simply read the ingredients label. Similarly, the FDA requires labeling for major food allergens such as peanuts, wheat, shellfish, and others. But Americans, for some reason, are not afforded that same information when it comes to genetically engineered foods.

Here is a very important point to make. What I am asking now, for the people of America, is something that exists right now all over the world. Genetically engineered foods are already required to be labeled in 49 countries around the world, including Russia, the United Kingdom, Australia, South Korea, Japan, Brazil, China, New Zealand, and others, and the entire European Union allows its countries to require such labels, which is essentially what this amendment is about. It is not telling, but it is allowing States the right to go forward, if that is what the people of those States want.

If this is good for 49 or more countries around the world, why is it not acceptable in the United States of America? The answer is pretty simple. We have a large, powerful, multinational corporation that is more concerned about their own profits than they are about allowing the American people to know what is in the food they are eating.

Let me clarify just a few pieces of information regarding genetically engineered foods. Monsanto claims there is nothing to be concerned about with genetically engineered foods. In the 1990s, there was a consensus among scientists and doctors at the FDA that GE foods could have new and different risks, such as hidden allergens, increased plant toxin levels, and the potential to hasten the spread of antibiotic-resistant disease, but those concerns were quickly pushed aside in the name of biotechnology progress. Their concerns were not, however, unfounded.

In May 2012, a landmark independent study by Canadian doctors published in the peer-reviewed journal Reproductive Toxicology found that toxins from soil bacterium which had been engineered into Bt corn to kill pests was present in the bloodstream of 93 percent of pregnant women as well as in 80 percent of their fetal cord blood. In the wake of this study, action is being taken. In 3 days, on June 17, the American Medical Association will consider resolutions that ask for studies on the impacts of GE foods and labeling. Resolutions calling for labeling of GE foods have already been passed by the American Public Health Association and the American Nurses Association.

There is a great need for this information because there have never been mandatory human clinical trials of genetically engineered crops—no tests for the possibility of it causing cancer or for harm to fetuses, no long-term testing for human health risks, no requirement for long-term testing on animals, and only limited allergy testing. What this means is that for all intents and purposes, the long-term health study on GE food is being done on the American people. We are the clinical test.

Let me clarify just a few things about labeling genetically engineered food. GE food labels will not increase costs to shoppers. Everybody knows companies change their labels all the time. They market their products differently and adding a label does not change this. In fact, many products already voluntarily label their food as ''GMO free.'' Further, genetically engineered crops are not better for the environment. For example, the use of Monsanto Roundup Ready soybeans engineered to withstand the exposure to the herbicide Roundup has caused the spread of Roundup-resistant weeds which now infest 10 million acres in 22 States, with predictions of 40 million acres or more by mid-decade. Resistant weeds increase the use of herbicides and the use of older and more toxic herbicides.

Further, there are no international agreements that prohibit the mandatory identification of foods produced through genetic engineering. But as I mentioned, 49 other countries already require it.

The Sanders-Boxer consumers right to know about genetically engineered food amendment, amendment No. 2310, is about allowing States to honor the wishes of their residents and allowing consumers to know what they are eating. If this is not a conservative amendment, I do not know what is. Americans deserve the right to know what they and their children are eating and that is what this amendment is all about. Monsanto and other major corporations should not be the ones to decide this issue. The Congress and the American people should make that decision. Without commonsense labeling requirements, the 295 million American citizens who favor labeling, the overwhelming majority of Americans who in poll after poll said yes, want to know whether the food they are eating contains genetically engineered products. They are not being listened to. On behalf of the American people who want to know what is in their food, I urge support for this important amendment.

I have another amendment, but I will come back at another time to talk about the amendment, which will demand that the Commodity Futures Trading Commission do what the law requires of them; that is, end excessive speculation in the oil futures market, but I will hold off on that until a later time.

I yield the floor.

The PRESIDING OFFICER (Mr. BROWN of Ohio). The Senator from New Jersey is recognized.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. MENENDEZ. Mr. President, I ask unanimous consent that at 12 noon today, the Senate proceed to executive session and that the motion to proceed to the motion to reconsider the cloture vote by which cloture was not invoked on Executive Calendar No. 501 be agreed to, the motion to reconsider be agreed to, and that there be 30 minutes for debate equally divided in the usual form; and that following the use or yielding back of time, the Senate proceed to vote on cloture on the nomination, upon reconsideration.

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

Mr. MENENDEZ. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. STABENOW. Mr. President, I ask unanimous consent that the quorum call be rescinded.

The PRESIDING OFFICER. The Senator from Michigan.

AGRICULTURE PRODUCTION

Ms. STABENOW. Mr. President, I want to spend a few moments talking about one of our job-creating titles in the farm bill, but first I want to thank colleagues who are continuing to work on this bill. As we continue to do the business of the Senate, they are working through the amendment process and coming together with what I am optimistic will be an agreement for us to be able to move forward so we can complete our task on the farm bill.

I thank the ranking member of the committee, Senator ROBERTS, for his leadership and his staff and my staff for working so hard together. There has been a lot of coffee involved for folks to be able to stay awake on some late nights right now. They are doing a great job, and we are very optimistic as we move forward in this process.

One of the reasons we need to get this done, as I have stressed many times but it bears repeating, is this is a jobs bill. As the distinguished Presiding Officer from Ohio knows—as well as myself, coming from Michigan—jobs are a big deal. Jobs are a big deal across the country, but we have been in the middle of it in terms of the recession. We are now seeing optimism because we are recommitting ourselves to making things and growing things in this country.

We make a lot of great things in Michigan, not the least of which is automobiles, but a lot of other things also. I know Ohio, as well, is a great State for making things. Both of our States are also States where we grow things, and I appreciate the leadership of the Presiding Officer who is on our Agriculture Committee and has played a very significant role in getting us to

this point. The distinguished Presiding Officer, Senator BROWN, has helped with major reforms in this bill. He has put forward a bipartisan proposal that relates to moving a risk-based system to support our farmers. I appreciate very much the Senator's leadership on that as well as a number of other things.

But this is about growing things. Almost one out of four people in Michigan has a job because we grow things. We have more diversity of crops than any State, with the exception of California, and so that means every page of the farm bill matters to Michigan, which is why over the years I have paid attention to every single page of the farm bill.

Overall in our country 16 million people work because of agriculture. They may be involved in production, they may be involved in packaging, they may be involved in processing, they may make the farm equipment, or they may be involved in a variety of things, but they work because we grow things in America. Our one area of huge trade surplus, and where we have grown in the last 2 years by 270 percent, is in agriculture. We are creating jobs here and exporting, and so this is a jobs bill.

I want to talk specifically about a very important piece where we bring together making things and growing things in our economy, and that is the energy title of the farm bill. The energy title reflects the important work being done by America's farmers, ranchers, forest managers, and rural small businesses to help improve our energy security.

Since we added this title in the 2002 farm bill—I was pleased to be a strong supporter in doing that—the Rural Energy for America Program has helped put in place nearly 8,000 projects and jobs that have helped farmers lower their energy bills and actually produce electricity that goes back to the electric grid. In the last 10 years, we have seen incredible advances in advanced biofuels and biobased manufacturing, which is the ultimate way to bring together making things and growing things, both of which are supported and strengthened in this bill.

The farm bill is also an energy bill and it is a jobs bill. There are more than 3,000 companies doing innovative, biobased manufacturing, and using agricultural products instead of petroleum to manufacture finished products. Those companies have already created over 100,000 jobs and are growing every day. Many of these businesses are in rural communities, and supporting those businesses is one of the best ways we can create jobs and economic growth in small towns all across our country.

This kind of manufacturing is also a win-win for the farmers. They get new markets for their products and, in some cases, markets for their waste products.

We have also seen tremendous growth in biofuels. This farm bill shifts our focus to the next generation of advanced biofuels, such as cellulosic ethanol, to continue lowering prices for families at the pump. According to a study by the University of Wisconsin and the University of Iowa, ethanol has already helped keep gas prices more than $1 lower than they otherwise would be. It is the only competition we have at the moment at the pump. As a consumer, what we need is more choice and more competition so that depending on foreign oil is not the only choice.

Many of our colleagues have different feelings about our energy policies, and the great thing about the farm bill is that it doesn't matter what we believe or where we come from, it is a winner because it creates choices. If we want to reduce greenhouse gas pollution, this bill is a winner. If we want to make America more energy independent so we are not relying so much on foreign oil, this bill is a winner. If we want farmers to pay lower energy bills so they have more money to hire workers and improve their business, this bill is a winner. And if we want Americans to pay lower prices at the gas pump, as we all do, this bill is a winner for every American.

I especially want to thank Senators CONRAD, LUGAR, HARKIN, BEN NELSON, BENNET, BROWN, KLOBUCHAR, THUNE, CASEY, and HOEVEN, who worked very hard at putting together the energy title and the necessary funding to continue supporting these innovative farmers and businesses all across our country. I appreciate their leadership in working with us and being able to get this done.

I want to talk about some of the specific areas we have in the energy title. There is something called the Rural Energy for America Program, also known as REAP. It is one of the most successful programs in the energy title, and one we hear about most often from farmers and ranchers across the country.

This program helps farmers with loan guarantees and grants to purchase and install renewable energy systems and make energy efficiency upgrades. Farmers have been able to put solar panels, wind turbines, as well as biomass energy and geothermal and hydroelectric and other forms of renewable energy technology on the farm. Since 2003, REAP has supported 7,997 different energy-efficient projects that have generated or saved 6.5 million megawatt hours, which is enough power to meet the annual needs of nearly 600,000 households.

As a caveat, I also want to say that when we talk about all of these alternatives, I also see this from the standpoint of making things. When we look at a big wind turbine, a lot of folks see energy use. I see 8,000 parts. We can make every one of them in Michigan and probably an awful lot of them in Ohio. So when we talk about creating energy efficiency opportunities, we are also talking about creating manufacturing jobs in the process. REAP is a big success story, which is why we continued the program and streamlined the application process for farmers and small businesses applying for small and medium-sized projects.

Each project funded by REAP can make a significant impact, as I said, on utility costs incurred by the businesses. For example, one company in Georgia created an on-farm solar system that will produce about 60,000 kilowatt hours per year to lower the company's power bills. Another Kentucky company used an energy efficiency grant to improve lighting and support a refrigeration/freezer project that would give them 63 percent energy savings—63 percent. That is a pretty big deal when we are paying the bills.

The next part I want to talk about is something called biobased markets and part of a larger biobased manufacturing effort that I am very enthused about. Biobased manufacturing is rapidly becoming a critical component of our new economy. According to USDA, there are 3,118 registered biobased companies in the United States that have so far created about 100,000 jobs, and growing. With customers demanding more choices, oil prices rising, these innovative companies are taking new approaches, turning agricultural products into manufactured products. So as we can see, all across the country there are 3,000 companies. This is a huge area that is growing, the innovation process, where we are literally taking agricultural products and replacing chemicals, replacing petroleum and plastics, and doing a variety of things that allow us to create new markets for farmers, get us off of foreign oil, and create jobs. I would argue that in the next 5 years we will see many, many, many more dots on this map as a result of the farm bill and private sector efforts that are going on across the country.

In the 2008 farm bill, we created the biobased program to develop and expand markets for these biobased products. Here are a few examples: Papermate makes a biodegradable, retractable grip pen manufactured by Sanford Newell Rubbermaid in Georgia. This pen is made from biodegradable components that include an exclusive corn-based material to produce less waste and more compost.

Purell Advanced Green Certified Instant Hand Sanitizer is a green-certified product made by a company in Ohio, containing ingredients from renewable resources. It kills more than 99.9 percent of most germs. It is a product that is biodegradable.

Greenware Cold Portion Cups made by Fabri-Kal Corporation in Michigan are made from materials such as plant-based and post-consumer recycled resins. My colleagues will note that this looks familiar because it is the same kind of cup we use in the Senate. This is something we are using and thereby supporting the biobased economy.

By including biobased manufacturing in the Biorefinery Assistance Program

within the energy title, we are expanding economic opportunities for farmers by giving them new markets for crops to grow and we are supporting cutting-edge manufacturing businesses that are making these products and creating these jobs.

We also have done other pieces that will strengthen this effort. I might mention, though we don't have a picture of it with us on a chart, one of the exciting things I am seeing in Michigan, as we bring together making things and growing things, is the extent to which our automakers are using biobased products in the making of automobiles. So for anyone who is buying a new Ford vehicle today—I sound like an advertisement—but a new Ford vehicle or a great new Chevy Volt or a number of new great American-made vehicles we have today, we are sitting on seats made from soy-based foam. We have soybean in the seats. Soy-based foam was actually started over 80 years ago with Henry Ford and has been something we have focused on, on and off, for 80 years. But now it has become a major effort. A major company in Michigan called Lear is making these seats. They are biodegradable. They are lightweight. We get better fuel economy. And as I often tell my friends, if you get hungry, you get something to munch on.

So the truth is we are seeing huge advances. One may very well have cupholders in their car that have a corn-based or wheat-based or other kind of agricultural-based product in the plastic, rather than petroleum—another way to get off of foreign oil. They are experimenting with tires, rather than using petroleum in tires. I think there is an explosion here of opportunity for innovation with our farmers and our manufacturers, with our universities, our scientists. It is very exciting, and it is part of the next generation for us of a new economy and new jobs. This farm bill strengthens that effort, working with the private sector, to help us rapidly move forward on jobs.

One of the other ways we support efforts to create and then the commercialization of products, to be able to move forward as it relates to creating, producing more products and so on, is to give consumers a way to find these products. So we have something called the USDA Certified Biobased Product label.

The mission of the BioPreferred Program is to develop and expand markets for biobased products through preferred Federal purchases of biobased products across the Federal Government and a voluntary labeling program to raise consumers' awareness and to help make sure we know that what we are buying is, in fact, a biobased product. Since the program was created in the last farm bill in 2008, there are now 64 different categories of biobased products and almost 9,000 products—9,000 products—approved for preferred Federal purchases. It is in everybody's best interests for us to be encouraging these new markets, encouraging innovation, and at the same time addressing other critical needs for our country, including getting off of foreign oil. In addition, another 430 products from 150 companies have been certified to carry the USDA Certified Biobased Product label. So this is important. And there are new efforts happening. The President, the Secretary of Agriculture, and I have come together to urge, in fact, that we increase the amount of biobased labeling that is going on and make sure that consumers are looking for this label.

We then have the Biorefinery Assistance Program which is a very important piece of all of this. The Biorefinery Assistance Program was originally created in the 2002 farm bill to support the development and construction of demonstration-scale biorefineries to determine the commercial viability of some of the processes that are involved in converting renewable biomass to advanced biofuels. It also guarantees loans for companies that are developing, constructing, or retrofitting commercial-scale biorefineries using these new technologies. In the last 2 years, companies participating in this effort have created nearly 300 direct jobs, and it is estimated that as this program is written into the 2012 farm bill, it will help these innovative businesses hire another 450 people as well.

We also expand eligibility for the program to include biobased manufacturing. This is a very important piece of this bill. We are now going from refineries, talking about advanced biofuels, to expanding the opportunity for tools for our biobased manufacturers within the rubric of the energy title and the focus on jobs.

We are talking about loan guarantees for companies to leverage private dollars. So for just over $400 million in loan guarantees, we have leveraged $1.5 billion in private dollars to help companies with the cost of retrofitting and building new commercial biofuels plants. When operational, these facilities are expected to produce 113 million gallons of advanced biofuels and generate almost 25 million kilowatt hours of renewable energy, and reduce greenhouse gas emissions by an estimated 600,000 metric tons of carbon dioxide which, by the way, is the equivalent of taking 11,000 cars off the road. I have a little bit of a mixed feeling about that. Actually, we would much prefer to do it this way and keep great new advanced vehicles on the road.

In 2011, the USDA awarded $6.9 million in grants and $13.1 million in loan guarantees to 17 anaerobic digester projects—here we are talking about waste on the farm and turning it into energy—which will create enough energy to power 10,000 homes.

There are so many opportunities for us, whether it is animal waste, food waste. We have a facility in Michigan that will be opening in the fall that is up by Gerber Baby Food. We are the international home of Gerber Baby Food in Fremont, MI. There is a new biobased facility opening that will use all the food waste to generate energy—electricity—for the northwestern area of Michigan. There are so many opportunities for us right now, using, again, food waste, byproducts from agriculture, and so on, where we can blend those together and create jobs and get us off of foreign oil.

The Biorefinery Assistance Program has helped build seven first-of-their-kind biorefineries to produce advanced biofuels in States from Florida to Oregon, Michigan to New Mexico. One of the companies, called INEOS New Plant Bioenergy, has just begun commissioning their plant in Indian River County, FL, which will use citrus and other municipal solid waste to produce 8 million gallons of cellulosic ethanol every year and 6 megawatts of renewable electricity. They have over 100 people working on the job, completing this first-of-a-kind plant, using 85 percent U.S.-manufactured equipment, by the way, for the facility.

There is so much. I could spend a long time going through all of the exciting efforts going on, literally from the east coast to the west coast, North and South, where creative entrepreneurs are coming forward, with support from the USDA to be able to get them through what is often called the valley of death, as they have a great idea but are trying to get it to commercialization, and efforts that are leveraging private dollars and public dollars to be able to have these companies move forward into full commercialization. Then they can create jobs, create renewable energy, get us off of foreign oil or create other kinds of products—all kinds of opportunities for us around products.

That leads me to another important piece, which is R&D, which is always a very important part of what needs to be done as we are looking at these new ideas. Entrepreneurs, companies large and small, many small businesses—in fact, most of them start as small businesses with a great idea, and they are looking for how to turn that into a great business, and hiring people, and so on. The Biomass Research and Development Initiative is an integral component to bridging the gap between technology development and commercialization. As I said, this is often called the valley of death. If you are somebody out there who is an entrepreneur with a great idea, how do you actually convince somebody to invest in it so you can move forward? Nearly $133 million in grants was provided through the research and development effort from 2003 to 2010 and they helped leverage $61 million in private investment.

One of the great success stories among many comes out of Wisconsin. We heard about this during one of our farm bill hearings when Lee Edwards, CEO of Virent Energy, came in to tell us about the great work his company is doing. They were awarded a grant as

seed money to develop their technology with the University of Wisconsin. Virent now has over 120 employees and plans to expand again after receiving a contract from Coca-Cola to develop a 100-percent plant-based bottle for its carbonated beverages. Virent's technology is feedstock-neutral and produces drop-in jet fuel and renewable chemicals. Their corporate partners include Cargill, Coca-Cola, and Shell.

We also have the Biomass Crop Assistance Program, which helps farmers and ranchers who want to plant energy crops for biomass that would be converted to biofuels or bioenergy. In 2011, this program supported between 3,000 and 4,000 jobs.

Our investment in the BCAP could result in companies hiring—in this farm bill, we are told—between 2,000 and 2,600 additional new employees. We have also addressed issues around collection, harvest, storage, and transport to address problems that had occurred in the last farm bill.

This program provides financial assistance to owners and operators of agricultural and nonindustrial private forest land as well. I have not talked a lot about forest land, but certainly biomass efforts—what has been done around forest by-products—are very important as well.

Steve Flick of Show Me Energy received the first BCAP project area, covering approximately 50,000 acres in 38 counties in Missouri and Kansas. Individual farmers within the boundaries of the project area can now sign contracts with the USDA to grow dedicated energy crops. This is another provision we have in the bill. Show Me's plant in Centerview currently pelletizes crops into biomass fuel for space heat and electric power. This technology will eventually provide liquid fuels that can replace gasoline and diesel. Steve Flick also testified at our hearing in February.

I could go on and on with examples. We have a very exciting project I visited not long ago in Alpena, MI, in the northeastern part of the State, which is a plant working with a paneling company that makes decorative panels, doing beautiful paneling work with 100-percent wood paneling. They are now taking what used to be waste that they sent to a waste treatment facility and pumping it right next door to a new company that is creating cellulosic ethanol. And they are now looking for other products. One of them will be a new green biodegradable effort to deice runways. So there are all kinds of possibilities.

What I am excited about is that this farm bill is focused on small businesses, farmers, ranchers, working with the forestry industry. How do we grow the economy by taking the two great strengths that have created the middle class of this country—growing things and making things? That is what this title is about; that is what this bill is about.

I am anxious to get us through this process so we can complete this bill and get on to the next generation of jobs.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent to speak as in morning business.

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

Mr. BLUMENTHAL. Mr. President, first, let me thank my distinguished colleague from Michigan for her extraordinary leadership on a milestone bill. I am so proud to be supporting this bill and to be in this Chamber speaking with her on issues that affect every American, not just farmers or those in States that may be recognized as farm States. The kind of leadership that has just been heard, I think, is a model for all of us, and I thank her.

S.J. RES. 37

Mr. President, I want to talk today about two issues that directly affect the health and safety of Americans of all ages, but particularly our seniors, and begin by associating myself with the remarks made earlier by Senators WHITEHOUSE and BOXER with respect to S.J. Res. 37.

I strongly oppose efforts underway to roll back Clean Air Act provisions that are critical to the health and safety and well-being of every man, woman, and child in this country.

Last December, the EPA finalized a rule aimed at reducing mercury and other toxic emissions from electric-generating units by about 90 percent. This rule affects the most toxic emissions in the United States—mercury, acid gas, nickel, selenium, cyanide. These rules are more important than ever.

The effort to roll them back should be resisted and rejected, and I hope my colleagues will join with me in opposing the Senate joint resolution that would not only stymie but stop efforts to protect Americans against the most toxic emissions.

I fought for these kinds of protections as attorney general. In fact, I took action as attorney general to compel these kinds of rules, and I believe the EPA is acting responsibly now in promulgating them.

WORLD ELDER ABUSE AWARENESS DAY

Mr. President, I want to thank my colleagues, on behalf of myself and Senator KIRK, for approving, Tuesday, a resolution designating tomorrow, June 15, as ''World Elder Abuse Awareness Day.''

The resolution Senator KIRK and I submitted, and that this body agreed to, recognizes the scourge that elder abuse represents here in America and around the world. I thank my colleagues for supporting it overwhelmingly, and I thank the President of the United States for proclaiming tomorrow, June 15, as ''World Elder Abuse Awareness Day,'' and I thank Secretary Sebelius for announcing today that $5.5 million in funding for States and tribes will be available to test ways to prevent elder abuse, neglect, and exploitation.

This initiative helps to implement the Elder Justice Act which was enacted as parted of the Affordable Care Act. I believe this kind of initiative brings together in partnership local, State, and Federal authorities and private groups to combat this epidemic.

The abuse of elders is a spreading epidemic. We have statistics that indicate how it is, in fact, spreading. Elder abuse incidents have increased by 150 percent in the last 10 years alone. A recent study of the GAO shows that every year 14 percent of all noninstitutionalized adults are victims of abuse or neglect or exploitation, whether it is physical or financial or even sexual. So the statistics show a trend that is undeniable—not only in the 2 million adults who are maltreated every year but in the $2.9 billion taken from older adults each year as a result of financial abuse and exploitation. That is $2.9 billion every year taken from older Americans.

But the statistics only tell a fraction of the story because the fact is only 1 out of every 44 incidents of financial abuse is reported. Mr. President, 43 out of 44 incidents are unreported. In fact, of all incidents of abuse, 22 out of 23 are unreported. And the reasons are diverse. They may be because of shame, embarrassment. In fact, one of the most common reasons for underreporting is that the victim is related to the perpetrator.

Sadly, shamefully, tragically, all too many victims of elder abuse suffer at the hands of relatives. It may be a daughter or son. It may be a brother or sister. All too often they are victims at the hands of caregivers who are entrusted with their care, literally in positions of trust for people who may suffer physically from debilitating illnesses or from dementia or other kinds of afflictions. So this population is among our most vulnerable, and we must take stronger steps to protect them.

As attorney general, I sought to lead such efforts. In fact, Connecticut now has stronger measures against elder abuse, such as more thorough background checks as a result of these initiatives.

As a member of the Committee on Aging, I held a hearing in Hartford very recently to document this spreading epidemic and the way it affects all of us—all of our relatives, all of our friends. It cuts across all lines of geography, race, gender, even income group. So this epidemic must be stopped.

That is why this resolution is important in calling attention to the problem. The President's proclamation enhances awareness, and I thank my colleagues for their continued effort and their involvement in this cause.

What is required at the end of the day is more resources—more resources for law enforcement authorities who have such a critical role in protecting

those who suffer from it, and deterring those who would commit it, and having partnerships among State, local, and Federal authorities. Those partnerships must seek out and encourage greater reporting so that efforts can be taken to stop and deter it.

I will continue this battle. I thank my colleagues for joining me and for agreeing to this resolution and for demonstrating that we care. We care as a body and as an institution. It is not a Republican or Democratic issue. It is truly bipartisan because this generation has worked hard, accumulated savings, counted on security, and is depending on us, trusting us for their safety. We know the number in this age group will only grow—in fact, double—within the next years. That is why we must address it. I thank, again, my colleagues for doing so.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

EXECUTIVE SESSION

NOMINATION OF MARI CARMEN APONTE TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF EL SALVADOR—Resumed

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session.

The motion to proceed to the motion to reconsider the vote by which cloture was not invoked on Executive Calendar No. 501 is agreed to, the motion to reconsider is agreed to, and there will now be 30 minutes of debate equally divided in the usual form.

The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I have come to the floor to address and advocate for the nomination of an extraordinary woman, a qualified, talented Latina, Mari Carmen Aponte, to be the U.S. Ambassador to El Salvador.

Over 2 years ago I first chaired the nomination hearing for Ambassador Aponte to serve as President Obama's Ambassador to El Salvador, to San Salvador. The reality is that as a member of the Senate Foreign Relations Committee, I found her to be an exceptional candidate. Last November I chaired yet another hearing for Ambassador Aponte, and then last December this Chamber met to vote on her confirmation. In addition to last year's vote, the Foreign Relations Committee has held a series of meetings to consider her nomination. Frankly, I have not seen any nominee forced to go through such an arduous and drawn-out confirmation process as Ms. Aponte.

Let me talk about her record. Mari Carmen Aponte is a respected American diplomat who has been on the job and has served this Nation with distinction. During the 15 months Ambassador Aponte was sworn in as the U.S. Ambassador to El Salvador, she impressed the diplomatic establishment with her professionalism and won the respect of parties both on the right and the left in El Salvador. She has won the respect of civilian and military forces. She has won the respect of the public and private sectors. She has won everyone's support and fostered a strong U.S.-Salvadorian bilateral relationship that culminated with President Obama announcing El Salvador as one of only four countries in the world and the only country in Latin America chosen to participate in the Partnership for Growth Initiative.

Most importantly, Ambassador Aponte has been an advocate for American national security and democratic values. As a result of her advocacy, El Salvador is again a key ally in Central America. Its troops were the only ones from a Latin American country fighting aside American troops in both Iraq and Afghanistan.

As a result of her negotiating skills, the United States and El Salvador will open a new jointly funded electronic monitoring center that will be an invaluable tool in fighting transnational crime.

Before that period of time in which she had a recess appointment, Ambassador Aponte had been the Executive Director of the Puerto Rican Federal Affairs Administration. In 2001 she had served as a director at the National Council of La Raza, the Puerto Rican Legal Defense and Education Fund. She presided over the Hispanic Bar Association of the District of Columbia and the Hispanic National Bar Association.

This is a record of success. It is a record of honor. It is a record of diplomatic and political distinction. It is a record of a dedicated, qualified, experienced, and engaged American diplomat, a 15-month record that brought our nations together. What more could we ask? What more should we ask?

Finally, I will simply say that I believe the statements that have been used by some against Ambassador Aponte are baseless. As someone who personally reviewed her record, as someone who personally looked at all of the files, I believe there is absolutely nothing to prevent Ambassador Aponte from being confirmed by the Senate. It is my hope, with having had the whole history of her tremendous service and all of the issues vetted, that today the Senate will take a vote that will confirm an incredibly qualified person who has a long history of tremendous service to the Hispanic community in this country, to our Nation, and who did an exceptional job in the 15 months she was appointed by President Obama during a recess appointment as the Ambassador to El Salvador. She served the national interests and security of the United States very well.

We have had an incredible period of time in which we have had no Ambassador confirmed there. That sends the wrong message to a country that is willing to embrace its relationship with the United States in Central America, in the midst of other countries that are not as friendly to the United States. We need to confirm an Ambassador, send her there, and have her continue the work she was doing.

I ask unanimous consent that any time in which there is a quorum call be equally divided against both sides.

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

Mr. KERRY. Madam President, I rise to speak about Mari Carmen Aponte, the President's nominee to be Ambassador to El Salvador.

Those of us who have had the privilege of being here for some period of time—Senator INOUYE has been here almost 50 years; I have been here for 27; Senators LEAHY, LUGAR, BAUCUS, and others have also served for a significant period of time. Brief as my stay has been, never have I seen this institution behaving as it does today.

Certainly, ideology isn't new to the American political arena and ideology isn't unhealthy. But in a Senate where the extraordinary measure of a filibuster has become an ordinary expedient, where Senate procedure is used as a political tool to undermine almost every proposal by the President and his Democratic colleagues, I think we all need to take a long, hard look at our priorities.

One priority that is staring us in the face is to work for the swift confirmation of Ms. Aponte. El Salvador has been without a U.S. Ambassador for 5 months. And I would ask colleagues how does this serve our national security or economic interests? El Salvador is the only Latin American country to send troops to Afghanistan. It is an increasingly important partner on counternarcotics and trade. Right now, more than 300 U.S. companies are operating on its soil. Bottom line: We are long overdue in bringing Ms. Aponte's nomination to a vote on the floor.

I have said before—and I repeat today—that the Senate should not hold Ms. Aponte hostage to the partisan infighting that has consumed our politics. It should allow her the right to a full appointment as Ambassador, given the commendable job she has already done in that capacity.

Let's review the facts because I think there has been some confusion here. Ms. Aponte has already received three high-level security clearances from national security experts in our government. Let me repeat. After three separate and thorough reviews, our national security experts gave Ms. Aponte the green light to represent our country.