



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, SECOND SESSION

Vol. 156

WASHINGTON, TUESDAY, APRIL 13, 2010

No. 51

Senate

The Senate met at 10 a.m. and was called to order by the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire.

PRAYER

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

Let us pray.

Lord of all power and might, the Author and Giver of all good things, nourish us with Your goodness. Lead our lawmakers to trust You with all their hearts, for You resist the proud who confide in their own strength. May our Senators be honest with You about their insufficiencies and discover the sufficiency of Your wisdom that can meet their deepest needs. In these challenging days, embolden them with new confidence in the ultimate triumph of Your providence.

We pray in Your sovereign Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JEANNE SHAHEEN 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. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 13, 2010.

To the Senate:

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

ROBERT C. BYRD,
President pro tempore.

Mrs. SHAHEEN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Madam President, today in the Senate, there will be a period of morning business for 1 hour. Senators will be allowed to speak for up to 10 minutes each. The majority will control the first 30 minutes and the Republicans will control the final 30 minutes. Following morning business, the Senate will resume consideration of the motion to proceed to H.R. 4851, the Extension Act. We will recess from 12:30 until 2:15 p.m. today for our caucus luncheons. By a previous unanimous consent agreement, at 2:15 p.m. all postcloture time will be yielded back and the Senate will adopt the motion to proceed. The bill will then be open to amendments, and Senators should expect rollcall votes this afternoon.

MEASURE PLACED ON THE CALENDAR—S. 3194

Mr. REID. Madam President, I am told that S. 3194 is at the desk and due for a second reading.

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

The assistant legislative clerk read as follows:

A bill (S. 3194) to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

Mr. REID. Madam President, I object to any further proceedings with respect to this bill at this time.

The ACTING PRESIDENT pro tempore. Objection is heard. The bill will be placed on the calendar.

ACKNOWLEDGEMENT OF STAFF

Mr. REID. Madam President, things were very hectic when the health care legislation passed. At the end of that work period, I acknowledged the contribution of several staff members to helping Congress pass health care reform—the most significant domestic policy legislation in a long time. There were so many valuable players on this team that it was inevitable, in the haste of things, that perhaps I would forget someone who was very important. I did that extemporaneously and tried to go over all my staff, but I had many things running through my mind, and I inadvertently left off one of the key players on my staff who worked so hard; that is, a man by the name of Bruce King, who worked so actively on health care, especially as it related to reconciliation. More importantly, he is a good person, a fine human being, and the American public is fortunate that people as talented and as selfless as he have chosen public service.

Bruce came to my office after, among other things, serving in a senior role for two distinguished Senators from New Jersey—Senators LAUTENBERG and Corzine. He did that for more than a decade. He also served as staff director for the Senate Budget Committee. He graduated from Tulane University and Stanford School of Law and attended the prestigious London School of Economics, so his academic background is really sensational. He was one of the first people I hired when I became Democratic leader, and it turned out to be one of the best decisions I made for the people of Nevada and the country. He is very easy to work with, very bright, and very helpful all of the time.

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



Printed on recycled paper.

S2215

He has staffed me so well on so many issues in the last 6 years. He did an especially exceptional job on the reconciliation bill we put together to make improvements on the Senate-passed health care bill. Reconciliation is perhaps the most complicated process the Senate undertakes, and thanks to Bruce and the staff of the Senate Budget Committee, we produced a reconciliation bill that both helped millions of Americans and remained consistent with arcane and complex Senate rules.

I wish to publicly acknowledge Bruce and thank him for all he has done on health care and countless other issues for the people of Nevada and the people of America.

RECOGNITION OF THE MINORITY LEADER

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

FINANCIAL REGULATION REFORM

Mr. McCONNELL. Madam President, a lot of smart people have thought about how to prevent a repeat of the kind of financial crisis we saw in the fall of 2008. We have heard plenty of ideas. But if there is one thing Americans agree on when it comes to financial reform, it is absolutely certain they agree on this: Never again—never again—should taxpayers be expected to bail out Wall Street from its own mistakes. We cannot allow endless taxpayer-funded bailouts for big Wall Street banks. That is why we must not pass the financial reform bill that is about to hit the floor.

The fact is, this bill wouldn't solve the problems that led to the financial crisis; it would make them worse. The American people have been telling us for nearly 2 years that any solution must do one thing—one thing: It must put an end to taxpayer-funded bailouts for Wall Street banks. It must put an end to taxpayer-funded bailouts for Wall Street banks. This bill not only allows for taxpayer-funded bailouts of Wall Street banks, it institutionalizes them. Let me say that again. This bill not only allows for taxpayer-funded bailouts for Wall Street banks, it actually institutionalizes them. The bill gives the Federal Reserve enhanced emergency lending authority that is far too open to abuse. It also gives the Federal Deposit Insurance Corporation and the Treasury broad authority over troubled financial institutions without requiring them to assume real responsibility for their mistakes. In other words, it gives the government a backdoor mechanism for propping up failing or failed institutions.

A new \$50 billion fund would be set up as a backstop for financial emergencies. But no one honestly thinks—no one honestly thinks—that \$50 billion would be enough to cover the kinds of crises we are talking about.

During the last crisis, AIG alone received more than three times that from the taxpayers—three times that. Moreover, the mere existence of this fund will ensure that it gets used. The mere existence of the fund will ensure that it gets used. And once it is used up, taxpayers will be asked to cover the balance. This is precisely the wrong approach.

Far from protecting consumers from Wall Street excess, this bill would provide endless protection—endless protection—for the biggest banks on Wall Street. This bill would provide endless protection for the biggest banks on Wall Street. It also directs the Fed to oversee 35 to 50 of the biggest firms, replicating on an even larger scale the same distortions that plagued the housing market and helped trigger a massive bubble we will be suffering from for years. So imagine this: If you thought Freddie and Fannie were dangerous, how about 35 to 50 of them?

Everyone agrees on the need to protect taxpayers from being on the hook for future Wall Street bailouts, but this bill would all but guarantee that the pattern continues. We need to end the worst abuses on Wall Street without forcing the taxpayer to pick up the tab. I repeat: We need to end the worst abuses on Wall Street without forcing the taxpayer to pick up the tab. That is what Republicans will be fighting for in this debate. The taxpayers have paid enough already. Taxpayers have paid enough already. We are not going to expose them to even more pain down the road.

The way to solve this problem is to let the people who made the mistakes pay for them. The way to solve the problem is to let the people who made the mistakes pay for them. We won't solve this problem until the biggest banks are allowed to fail.

Madam President, I yield the floor.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half.

EXTENDING UNEMPLOYMENT COMPENSATION

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. DURBIN. Madam President, pending before the Senate is the question of whether we are going to extend

unemployment compensation to the unemployed across our Nation. It is an issue which recurs in the Senate with some frequency, and it baffles me why we continue to argue over this question. We have 8 million people actively unemployed and another 6 million long-term unemployed people. We know many of them have lost their jobs because of this recession through no fault of their own.

If my colleagues have taken the time, as I have, to meet with these people, they know they are in desperate straits. There are approximately 4 or 5 unemployed people in America for every available job. When I sit down and listen to the stories of how they are applying online for job after job after job—a great week for them is if one or two potential employers even follow through with an e-mail of inquiry about their background. It is a frustrating, fearful existence, and it is one that is made no easier by the actions of the Senate.

We have been lurching from month to month, creating uncertainty as to whether we are going to send these people a check to live on—a basic unemployment benefit check of some \$300 a week. Consider how many of us could survive, and even some with families, with that meager amount of money. The argument is made on the other side of the aisle by many that when you give people \$300 a week—\$1,200 a month—it just makes them lazy and they stop looking for jobs. I wonder how many in this Chamber could live on \$300 a week for everything—rent, utilities, maybe a mortgage payment, school clothing, kids' shoes, food—the basics. And don't forget that most of these people, when they lost their jobs, also lost their health insurance. So they live not only in fear of not finding a job but in fear that tomorrow morning a diagnosis or an accident can devastate everything they have ever saved for in their lives. Yet every 4 or 5 weeks we go through this drill on the floor of the Senate about whether we are going to help these people.

Some on the other side of the aisle say this is all about the deficit. We have to get serious about this deficit, and here is our opportunity: unemployment benefits for those unemployed across America. This is where we will make our stand for fiscal sanity. Where were they when the last President asked us for a bank bailout of \$800 billion? How many on that side of the aisle were saying to President Bush: I am sorry, we can't bail out banks because we have a deficit. I don't remember hearing that argument. When it came to bank bailouts, the other side of the aisle, by and large—not all of them but by and large—voted for hundreds of billions of dollars for banks in distress. But when it comes to unemployment compensation to help families in distress, then we have to really consider this deficit.

I am troubled by this. We know that when natural disasters strike our

States, we rally to the victims. We rally to their needs and we say: Take care of the immediate challenge. We will deal with the budgetary issues at the appropriate time, but let's take care of the emergency. Yet when it comes to unemployment compensation and health insurance for the unemployed, many on the other side of the aisle don't consider that an emergency. It would be an emergency if they had to live on \$300 a week and it was cut off. It would be an emergency if they had no health insurance. Why do we do this? I think we are a better Nation. We should be a better Senate than to turn our backs on people truly in need, and that is what is going on here.

We have to urge our colleagues to come forward with amendments, if that is what they want, offer the amendments and debate them, which is their right in the Senate.

But then let's get on with it. Let's have a final vote. Let's give some security and peace of mind to the people who have lost their unemployment benefits because of the objections of one Senator. That is right. One Senator stood and objected and 21,000 Americans lost their unemployment benefits last week; 21,000 will lose them this week, and in my State 16,000 a week are falling off unemployment, 16,000 people who will not receive that \$300 check.

What are they going to do? Well, I think we should respond to this need immediately, and we ought to take into consideration the fact that when it comes to this recession, there are some positive things, some good news, not nearly enough of it. Too many people still unemployed.

The unemployment figures, though very slightly better, show at least we are moving on the positive side of the ledger. We need to do so much more. Every single Senator on the other side of the aisle who is voting against unemployment benefits also voted against President Barack Obama's efforts to put money into our economy and bring us out of this recession. It is starting to work. I hope it works soon.

We know what this devastation did to us. We lost some \$17 trillion in value across America because of this recession. That is more than 1 year's gross domestic product, the sum total value of all the goods and services produced in America in 1 year. We lost that in this recession. Many of us felt it personally in our savings accounts and retirement accounts. A lot of people felt it as their businesses strained and some failed. Others felt it when they lost their jobs and had no place to turn—\$17 trillion dragged out of this economy.

The President came in and said: Let's put a stimulus bill in, a bill for reinvestment in America. First, let's give a tax cut, the largest tax cut to working families that we have seen in recent times. Then let's provide a safety net for those who lost the jobs and State and local governments still struggling

and, finally, let's invest in some projects that we will build for America's future: school construction and highways and airports and a variety of things.

I went to Spring Valley, IL, over the break. It is a small town. But they were celebrating because \$4½ million from the President's stimulus package was going to make it to Spring Valley, IL, to build sewer lines which they have needed for decades.

As we had a press conference in this tiny town, where a weekly newspaper and radio station showed up, there were people lining the streets in front of their homes saying: Thank you. Our homes have been flooded out every time we have had a serious rainfall in this town. Now we are going to have storm sewers here, and local people are going to work to build them. The jobs are not going to be exported. The jobs are going to be right here in America, good-paying jobs.

So those investments are going to pay off for Spring Valley, for Illinois, and for this Nation for a long time to come. When it came right down to it, only a handful of Republican Senators would even help us pass that important measure.

After this, we are going to have the financial regulatory reform bill. It is going to be a fight because, you see, the very banks and financial institutions which dragged us into this recession are fighting tooth and nail to stop the reform and regulation we need to avoid a repeat of this crisis.

Shame on us if, at the end of the day, we do not put enough oversight and regulation into law to protect Americans from another recession such as this one. A lot of mistakes were made. Some were made by government, but a lot were made by the private sector which, in their excitement and greed, got involved in some policies which were indefensible.

We have read now—there are more and more books coming out analyzing this situation—that many financial institutions took advantage of the opportunities presented to them. They took advantage of a lot of people.

One of the important parts of financial regulation is to make sure we are going to have a cop on the beat, a consumer protection agency. Oh, the business interests are howling over this. The banks are howling over this notion that we would have an agency that literally looks out for the consumers of America. Have you ever been through a real estate closing with a stack of papers about this tall and they turn the corner of each of the pages and say: Keep signing. About 20 minutes from now, we are going to hand you a check and that home will be yours.

About halfway through you pause and you say: What am I signing?

Oh, standard forms. The government requires it. Just a lot of paperwork. Keep rolling.

Off you go. Buried in one of those papers may be language that could de-

stroy you financially. I am not making this up, because prepayment penalties on mortgages trapped a lot of people into these exploding subprime mortgages and they could not get out. They lost their homes, they lost their savings, they lost everything, and they filed for bankruptcy because of one sentence in one form in a stack of papers pushed at you at a real estate closing.

Is it too much to ask that we have one agency of government, one agency that keeps an eye out for those tricks and traps which lure people in and can destroy them financially? How many of us have taken the time with our monthly credit card statement to flip it over and read the back page, that faint print, tiny line after tiny line that is almost impossible, even for someone who went to law school, to understand?

Virtually none of us do that. How many of us take a careful look at those letters you get from the credit card companies which kind of announce maybe the interest rate is going up?

Well, the fact is, even those with good education, even with business backgrounds, we might struggle to understand what all this means. The terms keep changing. Is it not appropriate we have at least one agency of government that steps back and says: This should not be allowed. This violates public policy.

The Consumer Product Safety Commission makes sure the toaster you bought at the store is not going to catch fire in your kitchen. The Food and Drug Administration makes sure the food you buy at the store is safe to eat. They make sure the pills you bought through the pharmacy are going to be safe and effective. Is it too much to ask that we have one agency, one watchdog oversight agency, that takes a look at all the financial information that is thrown at American families and businesses every single day?

My old friend, Dale Bumpers, former Senator from Arkansas, had a saying that applies here. They say, of the financial institutions and consumer protection, they hate this like the devil hates Holy water.

The notion that there would be one agency looking out for consumers and families across America when it comes to financial instruments, credit card applications and mortgages, that, to me, is very basic. I am working on several amendments with my colleagues on financial regulatory reform that Senator KAY HAGAN from North Carolina and I are interested in. She is going to take the lead on an issue she worked on in North Carolina in the legislature; that is, these payday loans, title loans, same day loans. These are awful.

The States that try to regulate them find that no matter how they write the law, within a matter of days, these organizations and companies find a way to scoot around it, to charge people

outrageous interest rates for small loans which most of them default on because it is impossible to pay back. They roll over and roll over and finally they cannot pay them. Then they face foreclosures and the kind of seizures of property that many of us are aware of. That, to me, is an outrage.

Years ago, Senator Talent, a Republican from Missouri, heard from the Pentagon that these payday loan operations, those fly-by-night loan operations, were undermining our military because they were parking themselves outside military installations and making these loans. When our men and women in uniform got dragged into them, they became financially insolvent to the point where some had to leave the military, they were so broke.

So we made it a matter of policy across the United States that these predatory lenders could not lend money to military families. We said: As a matter of law and national security, we were going to stop their business with military families. But we did not protect the rest of America, and we should.

Senator HAGAN has an amendment to deal with that. Senator SANDERS of Vermont is going to address the issue of what is a fair interest rate in America. Should there be a limit? I think there should. I do believe there should be. I have my own bill. He has his. Between us, we hope one of them will pass, to establish that at least there is a limit to how much you can be charged in interest on a loan you take out.

This is a critically important bill that is going to come up soon. Senator DODD, of Connecticut, has done a great job. He is the chairman of the Banking Committee. He will be bringing this bill to the floor. So far we have had no Republican support. There have been some indications in the media recently that they are now interested in the bill. We welcome them if they want to come on board and help us pass it.

But if they do not, if they want to stand for these financial institutions, to just say no when it comes to reform and regulation, then that is a debate worth engaging in.

I yield the floor.

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

RHODE ISLAND FLOODING

Mr. WHITEHOUSE. I rise to describe the catastrophic flood damage in my home State of Rhode Island and to ask all my colleagues, to appeal to my colleagues, for swift action to deliver to our families and businesses badly needed aid.

Rhode Island saw more rain last month than any month on record: over 16 inches, with over 5 inches of rain falling on March 30 alone. The devastation wrought by these storms exceeds anything in living memory.

Meteorologists who have reviewed this are calling it the most damaging

storm to hit the "Ocean State" since the Great September Gale of 1815, a monstrosity of a storm that tossed ships through the streets of Providence and carried out to sea the shops on Newport's Long Wharf.

Rhode Island's floods of March 2010 could not have come at a worse time. They struck a Rhode Island already weakened by the worst recession we have seen since the Great Depression. Even before the recent flooding, unemployment in our State stood near 13 percent and homelessness was on the rise. We have already experienced 27 months of severe recession. For a year, we have been in the top three States for unemployment.

It is too soon yet to estimate the full economic impact of the March flooding, but it is clear the flooding's economic damage will be prolonged and severe.

The peak storm of March 30 and 31 brought commerce in the entire region to a halt. Route I-95, the main artery that connects the major cities of the New England and Middle Atlantic States, was closed for 2 full days, flooded out, following a surge of the Pawtuxet River.

The river, which has a flood level of 9 feet, crested at its alltime high, almost 21 feet on March 31. It is hard to overstate the importance of this highway to Rhode Island's economy because it is not only a regional artery, but it is the main commuter artery for our home State.

Similarly, Amtrak's Northeast service was closed for 5 days due to flooding of the track in our State.

This next picture shows the Warwick Mall. It is one of the largest shopping centers in the State. It was completely flooded following the unprecedented rainfall of March 30 and 31. You can see the top of a car right up to the hood. You can see the entry is completely flooded. There are thousands of Rhode Islanders who work at the mall, others use the mall, many have kiosks who sell within the mall. Suddenly, with very little warning, they are temporarily unemployed.

I toured this complex with its owner, Aram Garabedian, just after the water had gone down. The water was only about an inch deep when we were there. You could still see—it says "Food Court." You could still, in the food court, some of the flooding was vanilla and some of the flooding was chocolate because of the ice cream stores that had lost their power and melted into the flood.

Mr. Garabedian and his workers are in the middle of a heroic job cleaning up, and they are determined to reopen as soon as possible. But it could be weeks or even months until all those stores are back in business. Those, of course, are weeks and months when families who depend on paychecks from this mall will need to survive on unemployment benefits; unemployment benefits, I might add, with which our friends on the other side are trying to interfere.

Some store owners doubt whether they will be able to reopen at all. I recently held a telephone townhall during which a store owner named Kathleen told me about the damage to her store in the mall which had been in business for 25 years. Her payment counter and her register were destroyed. The drywall in her store was ruined. Little if any of the merchandise or fixtures appear to be salvageable. Kathleen's flood insurance company has claimed that her damage is not covered. She said if she doesn't receive some grant assistance from the government, she will not be able to reopen, after 25 years.

We can see from this picture the scale of hardship that business owners are facing as they begin to clean up their stores. It is difficult to relay in a single speech the extent of the devastation wrought by the floodwaters. Flooding in places where, as I went around the State, the thing I heard more than anything else was: 35 years I have lived here, never even water in the basement, and now look at this.

I wish to take a few more minutes to show some pictures that represent the damage. These were taken as I toured throughout the State in the immediate aftermath of the storms. This is the Natick pumping station which sits near a river bank in west Warwick. It is the sewage treatment plant overwhelmed by the floodwaters and largely submerged. The flooding crippled the station's ability to process sewage and caused essentially all of the untreated waste that would have gone through it to flow out into local waterways. This station was submerged. The Warwick sewage treatment plant was submerged, and Bristol's sewage treatment plant was also inundated. The Warwick treatment plant became really part of the river. It just flowed right through and across it. So for days Rhode Island's floodwaters were contaminated with raw sewage.

On March 30, I visited Glen Rock Reservoir in south Kingstown with town manager Steve Alfred. As we can see, the reservoir has overflowed the banks of this dam and has washed out this section of Old Usquepaugh Road. This is a very typical photograph of the sort of road damage we are going to see from the flooding in Rhode Island. When we have water like that flowing as white water over a road, one can imagine what damage it does to the road. Our infrastructure requirements to rebuild from this are going to be very considerable.

At the height of the rains, Providence Street, a main road in west Warwick, a small, largely working class, great Rhode Island town which was probably, per capita, hardest hit of any of the towns, its main street looked more like a river than a road. This picture shows local emergency workers out rescuing people who had been flooded into their homes and apartments, driving them through the street with a boat and a jet ski. It is not often

that one sees local emergency workers driving down the streets of Rhode Island towns on boats and jet skis, but that is what it took to get the residents out who had been trapped by the unprecedented floodwaters.

The day after the rain subsided, the flooding was still substantial. This is the scene behind a local mechanic's shop on Elmwood Avenue in Cranston. As we can see, the garage building is almost entirely underwater. Nearby I was able to see cars and trailers for this mechanic's shop just under the surface. Later on when the water came down, I could see that under this were cars. The water is right over the roof of the cars and so they are not visible now, but what I thought was an empty parking lot was filled with cars. I went back and saw it later when the waters had gone down.

Here is a different shot of Elmwood Avenue, looking across to an old mill complex filled up through the ground floor. The floodwaters are not only covering the road itself but the entire parking lot and into the mill building itself. The local residents obviously were distraught by this kind of damage. The bridge that is down below this, the Wellington Avenue bridge, thankfully, held against the pressure of the water rushing past and over it. But two other bridges in Coventry and North Providence were so damaged by the flow of the water past and over them, they have been condemned and have to be completely rebuilt.

I went up to Cumberland to visit Mayor Dan McKee and to see some of the damage there. His first responders took us in this boat out to Hope Global, which is a company on the banks of the river. It is the Blackstone River this time, not the Pawtuxet. This river was the cradle of the Industrial Revolution. The famous Slater Mill in Rhode Island, a true spark that lit off America's Industrial Revolution, was a riverside mill that used the rivers for power. Historically, Rhode Island's working waterfront has been a riverfront where mills up and down the Blackstone, up and down the Pawtuxet, up and down other rivers took advantage of water power. Then, as we moved from water power to electric power, they stayed. But they stayed very vulnerable to the rivers. So from Hope Global down to Ashaway Line and Twine Manufacturing Company and Bradford Printing and Finishing, down near Westerly, the riverside businesses in Rhode Island were swamped and flooded.

Now businesses that had existed for generations, that employed many hundreds in each plant, lie submerged and silent and out of work.

One of the things that impressed me during the course of my visit was the resilience and courage shown by Rhode Islanders. We took this picture at the Okonite Company. It was also covered by the floodwaters, but it was nice to see both the American and the Rhode Island flags flying high, notwith-

standing the devastation that surrounded them. This struck me as a fitting example of the perseverance and resilience of Rhode Islanders responding to this crisis. It is often true that trying times bring out the best in people. Certainly this flood brought out the best in many folks in Rhode Island.

Everywhere I have traveled in the days since the floods began, I have seen neighbors helping neighbors, and I have witnessed the extraordinary diligence and courage of the municipal workers, the first responders, the police and fire folks, public works, literally all municipal employees who worked long hours, wet hours, cold hours, tired hours helping their communities.

A couple in Westerly had to evacuate their home in 30 minutes as the floodwaters picked their house up off its foundation. Amazingly, after all they had been through, they were still more concerned for their neighbors than for themselves. They wrote to me:

... as tough as things are for now, we see so many of our neighbors that had no insurance and they lost everything. Many of the people who were renting apartments were given five minutes to evacuate. As we were leaving, we took all of the food from our fridge and were able to distribute it to some of the folks running for cover. Life seems to throw lots of curveballs and you never anticipate when you get up in the morning that you will be homeless by the afternoon but Mother Nature has a mind much her own.

I want to point out that the word on the Rhode Island State flag is "hope." As I look at this picture and see the flag flying high amidst the devastation from the flood below, I am reminded of countless acts of kindness and generosity, indeed hope, which have accompanied the troubling, sad, and difficult events of recent weeks. The flooding has destroyed homes, closed businesses, and ended jobs, but the people of Rhode Island have stood up remarkably well. Spirits are strong. But the job of rebuilding roads, bridges, sewage treatment plants, public facilities, homes, and businesses is a colossal and daunting task for a State 27 months into severe recession.

Now we in Rhode Island need help from the Federal Government to fulfill that hope and to help us rebuild. Just as Congress was quick to respond in the wake of Hurricane Katrina in 2005 and following the flooding in Iowa and North Dakota in 2008 and 2009, I ask my colleagues to work with my senior Senator, JACK REED, and I to bring needed assistance to Rhode Island as quickly as possible.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. KYL. Madam President, may I be advised when I have spoken for 7 minutes.

The ACTING PRESIDENT pro tempore. Yes.

JUDICIAL CONFIRMATION PROCESS

Mr. KYL. Madam President, I rise to talk about the judicial confirmation

process, given the fact that President Obama will soon be nominating someone for the Supreme Court to replace retiring Justice Stevens. There has been a lot written about this subject. It would be useful, at least from my standpoint, to clarify or elucidate how I view this and how I think a lot of my colleagues do on both sides of the aisle.

The question of a filibuster arises. The best way to put into context what folks mean when they talk about judicial activism as potentially bringing about a filibuster is to at least describe what I think about that. All of us in the Senate, whether we have supported a filibuster or not, would agree that all else being equal, it is not something we should do for judicial nominations, especially for a Supreme Court nomination. There has not been a successful filibuster of a Supreme Court nomination, thankfully, despite the fact that the last two nominees—especially the last nominee to the Court by President Bush, there was an attempt to filibuster, and even then-Senator Obama, now President Obama, participated in that attempt.

What would cause Senators to not just vote against a nominee but actually go so far as to try to prevent the nominee from receiving a vote up or down?

There is this concept of extraordinary circumstance that evolved about 4 years ago when the so-called Gang of 14, seven Republicans and seven Democrats, agreed that it would not be appropriate to filibuster a judicial nominee except in extraordinary circumstances. That is where that phrase "extraordinary circumstance" came about.

There are a lot of Members of the Senate who believe one of those extraordinary circumstances could be a situation where a nominee is particularly activist in the sense that it would appear that he or she goes on to the bench with preconceived notions about specific kinds of societal issues or questions that may come before the Court and a bias toward resolving those matters one way or the other, as opposed to simply taking the facts of each case and reading the law to see what the precedents of the Court are, what the statute is, if there is a law involved, and deciding the case on the merits of that specific case irrespective of the judge's views about the question from a political or philosophical standpoint.

There are a couple of recent examples I wanted to bring to the attention of my colleagues which illustrate the kind of activism to which I and some of my colleagues would object.

The chairman of the Judiciary Committee, the Senator from Vermont, was quoted in Politico today as making a statement which I think illustrates the issue well. Senator LEAHY is quoted as saying this, that he thinks one of the questions to the potential nominees is going to be this: "Do you share our concern about the fact that the court

always seems to side with the big corporate interests against the average American?"

Aside from the fact that I think that is not a fact, that the Court always sides with big corporate interests against the average American—that is, obviously, a very politically charged statement—the question is, Is it really appropriate to ask a potential judicial nominee whether that nominee is going to side with big corporate interests or whether the nominee would want to side with some other kind of interest in the litigation? Well, I think it is appropriate to ask whether the nominee has biases one way or the other that would preclude him or her from deciding a specific case on the merits of that case as opposed to whether, from a general philosophical standpoint, that nominee would be on the side of big corporate interests or always against the big corporate interests.

When Chief Justice Roberts was before our committee, he was asked a question like this, a question about whether he thinks it would be appropriate to rule for the big guy or the little guy, and I think he said it correctly. He said: If the law supports the big guy, then the big guy should win the case. If the law supports the little guy, then the little guy should win the case. You do not go on the bench with an idea that: I am always going to rule against the big guy or—commenting on Senator LEAHY's statement here—I am going to rule against big corporate interests. That presents a dilemma, by the way, where you have corporation A suing corporation B. I do not know how you are going to resolve that if you are always going to rule against big corporate interests.

But the point is, to go on the bench with that attitude would be wrong. The big corporation might have the right law and facts in a particular case. In another case, the person suing or being sued by the big corporate interest might have the law and the facts on their side. That should be the determination of how the case comes out, not your preconceived notions—for example, your intention to always rule against "big corporate interests."

Here is another example: One of my colleagues on the Judiciary Committee on a television program said he wanted to see a nominee who would be hard on Executive power. We have three branches of government: the executive, the legislative, and the judicial. The Constitution sets up a delicate balance among those three branches of government, and there is a constant tension between the powers exerted by the branches and against the branches. Those tensions result in litigation sometimes.

Sometimes there is a claim that the Executive is taking too much power unto himself. That charge was made against virtually every President who, in my memory, has ever served. It certainly is being made against the President today. But you do not go on the

bench with the notion that: If a case ever comes before me involving a contest of whether the Executive has the power to do something versus the legislature, for example, I am going to rule against the Executive. I am going to be hard on Executive power. That would be wrong. You do not even know what the facts of the case are and what the precedents might be relating to those particular facts.

The ACTING PRESIDENT pro tempore. The Senator has used 7 minutes.

Mr. KYL. Thank you, Madam President. I appreciate it.

I will conclude with this particular example: You want a judge who is going to be on the Court to say: I understand the balance of power. I have read the law, and I understand the precedents that relate to this particular kind of fact pattern. And based on the law and based on these facts in this particular case, I believe that either the Executive should have the power or not. But I do not come to that conclusion based upon a preconceived political, ideological notion that we need to rein in Executive power any more than I believe we should rein in legislative power or judicial power.

This is what a lot of us mean when we talk about judicial activism. It is the difference between someone who comes to the Court with firmly held philosophical beliefs that would cause that individual to be more predisposed to rule on the basis of those beliefs than on the facts of the case or the law in any particular situation. So when my colleagues on the Democratic side say they are looking for a nominee who will have a penchant for ruling in a particular way in particular cases, you will see objections from people like me who will say: No, that is wrong. That is activism. That is basing decisions on ideology rather than on what the law is.

I will conclude by saying this: The President has it fully within his power to nominate a candidate for Supreme Court Justice who generally has been seen as deciding cases based on their merits rather than from an ideological perspective. But to the extent the President chooses someone who has been very active politically and has expressed strong political views or who from the bench has seemingly made decisions based upon a preconceived ideological notion rather than on the basis of the facts and law to come before him or her, in that situation, then, you would tempt opposition and potentially even a filibuster depending upon how serious the situation was or how extraordinary it was, to cite the particular phrase.

So I hope that sort of sets the groundwork here for our evaluation of the President's nominee and for a public understanding of the circumstances under which some of us would oppose a nominee and under which perhaps even, in an extraordinary situation, a filibuster would result. I certainly hope that is not the case, that that does not happen.

I am sure the President realizes that if he nominates someone who does come clearly to the attention of the Senate from a perspective of even-handed justice, that nominee will be treated fairly, that the process could move much more quickly, and that the outcome can be much more favorable.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

NASA

Mr. CORNYN. Madam President, this week President Obama is scheduled to visit the Kennedy Space Center in Florida. Many Americans expect the President to explain his vision for human space flight in the decades ahead. I would say this vision is long overdue.

One year after celebrating its 50th anniversary, as well as the 40th anniversary of the first Moon landing, the White House has proposed a budget that will force NASA to abandon its historic role in space exploration. The administration has stated its intention to terminate NASA's Constellation Program, our Nation's flagship endeavor to return Americans to the Moon and beyond. After \$9 billion invested over 7 years, the President would leave NASA adrift and without a mission. I hope the President will announce that he has thought better of that initial decision, and this morning I would like to take a few minutes to explain why I think he should do so.

Texas is proud of our close connection with NASA's human space flight program, and we recognize how it has helped transform the greater Houston area into a high-tech leader. Johnson Space Center has helped send astronauts into space for nearly four decades. We would love for the President to visit the Johnson Space Center and see how we have helped our astronauts complete their missions and return home safely.

We remember the region endured several years of challenges following the termination of the Apollo Program in 1974. We saw some of the brightest minds at the Johnson Space Center end their careers. The future of the entire industry seemed uncertain.

NASA Administrator Charles Bolden was recently quoted as saying:

With all due respect to everybody who opposes the budget—

In other words, the cut of the Constellation Program—

a very serious and real concern is the jobs.

Now, he was correct in one way: the cancellation of Constellation, combined with the retirement of the space shuttle, could cost the region as many as 7,000 direct jobs, according to the Bay Area Houston Economic Partnership. With all due respect to General Bolden, Texas support for human space flight is not merely based on parochial concerns. We understand the local economic impact would be nothing compared to the strategic opportunity cost for the United States of America.

For one thing, the end of the Constellation Program will increase our dependence on Russia to transport Americans to the International Space Station—a space station built with billions of American taxpayer dollars. Earlier this month, NASA signed a \$335 million contract with Russia that will cost our country nearly \$56 million per seat on Russian spacecraft—or about \$8 million more per seat than what NASA paid in 2007. So we are literally having to depend on Russia to transport American astronauts to the International Space Station. Many Americans are already concerned about this arrangement. Many Americans suspect the Russians will raise the price once the shuttle program is ended because we will be completely dependent on them to transport our astronauts. Indeed, the head of the Russian space agency recently stated his eagerness to renegotiate costs to access the International Space Station following the retirement of the space shuttle.

Soon, Russia will not be the only nation to surpass the United States in human space flight. The governments of China and India have also accelerated their investments. All of these nations are investing in human space flight not only because they want their flags to be the first on Mars but also because they know those investments will generate a good return.

Innovations that will help humans survive and thrive in space will likely create as many spinoff technologies in the 21st century as we saw in the first decades of the space age. If we do not incubate these life-supporting technologies here in America, our children will have no choice but to import them from other countries. Apollo 13 astronaut Jim Lovell put it this way. He said the end of the Constellation Program “will have catastrophic consequences on our ability to explore space and the spin-offs we get from space technology.” He said: “They haven’t thought through”—talking about the administration’s proposed cut in the Constellation Program—“the consequences.” I think that is correct.

The White House has said it believes the private sector can play a larger role in space exploration, and I would say they are right—to a point. We certainly want to encourage private investment and public-private partnerships in the development of space technologies. We want to help NASA become an even better partner with aerospace entrepreneurs. Leveraging the potential of the private sector is no less an imperative in space exploration than it is in other fields of innovation. But NASA cannot pass the baton of human space flight to a runner who is still trying on its shoes. The private sector requires years of further development before it can send a human being to the Moon or compete with America’s international rivals.

The Aerospace Safety Advisory Panel—a group of independent experts

created by Congress—reported in January that:

No manufacturer of Commercial Orbital Transportation Services is currently qualified for human-rating requirements, despite some claims and beliefs to the contrary.

The panel has warned:

To abandon the [Constellation program] for an alternative without demonstrated capability or proven superiority is unwise and probably not cost effective.

NASA was assigned the constellation mission for the same reason it took on Apollo: It remains the only entity in our country capable of getting the job done.

So what should President Obama say when he visits the Kennedy Space Center this week? I would like to offer just a few thoughts.

First, I hope President Obama would recognize the tremendous uncertainty his administration has created by proposing to end the Constellation Program without identifying a viable alternative.

Second, he should make clear that Congress has the last word on the Constellation Program—which we do—and that NASA will follow the current law during this fiscal year and every year Congress continues to fund the program.

Third, I hope he would articulate a clear vision for the future of human space flight in our country, and that vision would include a clear exploration mission, a timeline, goals, and a destination. And I hope his vision would include a new commitment to the Constellation Program, which remains America’s best bet to ensure America’s continued leadership in human space exploration.

Fourth, I hope he would make a budget request that will fund this vision and that it will carefully be aligned with this exploration plan.

Just yesterday, a number of American heroes made clear what a vision for American space flight should look like. More than two dozen former astronauts and flight directors, as well as a former NASA Administrator, wrote an open letter to the President. They wrote, in part:

America’s greatness lies in her people: she will always have men and women willing to ride rockets into the heavens.

America’s challenge is to match their bravery and acceptance of risk with specific plans and goals worthy of their commitment.

NASA must continue [to be] at the frontiers of human space exploration in order to develop the technology and set the standards of excellence that will enable commercial space ventures to eventually succeed.

I hope President Obama listens to those words. I hope the President listens to Congress, which has given broad bipartisan support to the Constellation Program over many years. And I hope he listens to the millions of Americans who understand that human space flight represents our Nation’s future, not merely its past.

Madam President, I yield the floor.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The Senator from Texas.

Mrs. HUTCHISON. Mr. President, President Obama is going to travel to Florida where many expect him to discuss the adverse reaction to his proposed budget for NASA and possible alternative options for the future of America’s manned space exploration capability. I know members of the NASA family and everyone living in communities that directly support the space program—from Maryland to Utah to Florida to Alabama to Louisiana and Texas—are, at the very least, uncertain about the President’s budget proposal and how it would affect America’s leadership role in space exploration. I share those concerns. Every American should share those concerns, because it will determine our role in science, space, research, exploration, and so much that will determine our future economically and in security.

I hope the President has heard the concerns that have been raised since the budget was proposed and that he will take the opportunity to meet with the individuals who have worked hard to keep America in the forefront of space exploration for the last four decades. I also hope the President will recognize that he has an opportunity to reach out on a truly bipartisan basis for a new plan for NASA’s future that prioritizes scientific research, protects our \$100 billion investment in the International Space Station, and ensures that America retains independent human space flight capability.

Last month, I introduced legislation that would provide such a framework. Identical companion legislation has been introduced in the House of Representatives by SUZANNE KOSMAS, a Democrat from Florida, BILL POSEY, a Republican from Florida, and others. This can be a starting point for bridging the differences between the President’s proposal and the views of many in Congress. We may miss this opportunity to work together to build on America’s legacy of space leadership unless the administration looks at its current approach and makes some alterations.

The budget proposal put forward by the administration has created an unnecessary choice between the President’s plans for increased research and development and the necessary transition to the next generation of technology on the one hand and maintaining a viable space station and an American human space flight capability over the next few years on the other. We can do both.

Let me be clear why I believe the President should make his visit to Florida the beginning of a renewed discussion on the country’s civil space program. I believe the President’s advisers, in reaching for a bold new direction for NASA, failed to take into account some very important realities of our space program. The decision made in 2004 to discontinue the shuttle program at the end of 2010 was based on an International Space Station service end date of 2015. Two years ago this

Congress, in an overwhelming bipartisan vote, enacted the NASA authorization bill of 2008, which stated that the space station should be kept in service until at least the year 2020. In the bill, we also required NASA to ensure that the capability to continue shuttle flights in support of the space station should be preserved for a period of time to give the new administration a chance to consider its plan for NASA.

The Obama administration ordered a full review of U.S. human space flight plans as part of its 2010 budget request and eventually deferred a final proposal until the 2011 budget request. One of the important points made by the review committee, chaired by the eminently qualified Norman Augustine, was that the space station should be extended until 2020, which is what Congress has already said is the policy of our country. The President's proposal accepts the recommendation which is consistent with the 2008 bill and which I believe is vital to making full use of the scientific research capacity that is only just now being made available with the completion of the space station assembly. However, I remind my colleagues that the space station was designed and built with the idea that the shuttle would be available to keep it supplied and maintained, and to be able to bring large replacement or spare parts up should they be needed in order to keep the space station functioning. The parts and equipment being flown on the last three remaining shuttle flights were selected from over 1,400 total items based on what would be needed for the station to be extended until 2015.

So while I commend the decision to extend the life of the station until 2020, flying the remaining shuttles scheduled for this year before completing an analysis of the station's needs based on a 2020 service date would surely be a mistake. We need to determine the parts and equipment needed to extend the station's life and ensure we have the capability to deliver them to the station. If we were to end the shuttle program as scheduled this year, we would be dependent on the Russian Soyuz vehicle and other possible cargo vehicles which lack the capability that the shuttle provides. Now let me remind all of those who are interested in the cost that using the Soyuz costs over \$50 million per person. Probably a minimum of six per year—well, six over a 2-year period, so at least three per year—would be about \$150 million a year. This is \$150 million that we could be using to extend America's capabilities for its crewed vehicle that we have on the drawing boards—the Constellation program. We could be putting that money to our use rather than paying the Russians for the Soyuz, for using their vehicle. The President's proposal fails to recognize this, thereby endangering our ability to sustain the station until 2020. My legislation would address this deficiency by keeping the shuttles as an option at a reduced rate

of two flights per year, but only until it can be determined that the station has parts and equipment on hand to keep functioning until 2020 in the absence of the shuttle's capability.

The President's proposal also relies on a still emerging commercial space industry to develop the launch and crew-carrying capability to replace the shuttle. I support the development of a commercial capability, but as a supplement to a NASA capability, and with the development—and proving out—of a cargo capability. We should take this first step in commercial development before committing our entire national human space flight effort to launch systems that would be another generation beyond the cargo capabilities currently being developed.

I remind my colleagues that much of the “business case” for a commercial system is based on the assumption of a viable space station. If the risk to station survivability presented by the President's proposal is not addressed, the case for investment in a commercial sector may weaken and the development of these capabilities may not even materialize. If this happens, America would have no long-term space flight capability and would need to rely completely on other nations for access to space. If an accident or technical issue results in the Russian Soyuz being unavailable for any extended period of time, the space station would very likely have to be abandoned and deorbited within a matter of months. Taking that level of risk is entirely unacceptable for a nation with our history of space leadership.

A nation with our heritage of stretching beyond the possible and reaching for the heavens deserves more. We need an approach that ensures the sustainability of the station, facilitates the transition to a replacement for the shuttle, and reduces the gap in our Nation's ability to reach space. My legislation would address these issues by allowing for the extension of shuttle if needed for station sustainability and authorizing the accelerated development of a NASA-owned replacement to the shuttle such as a shuttle-derived design using existing systems and capabilities and the current contractor workforce, which might be available in time to shorten our reliance on other nations for access to space after the shuttle is retired. All of this can be done while allowing for the change in NASA's long-term mission and the increase in scientific research and technology funding envisioned in the President's proposal. Simply moving—and this is how we can do it within a budget that does not increase spending—we can move the remaining shuttle flights scheduled for this year into 2011 and 2012, and adding the backup flight already prepared as a contingency would provide enough flexibility to complete the analysis of station needs and guarantee a cargo capability for an additional 2 years. It is possible to accomplish even this mod-

est but critical goal while holding the line on spending at the level in the President's budget. That is key, that we can do this within the President's own budget, yet extend our capabilities to have our control over the shuttles that would provide the space station what it needs to continue as we assess the needs to go on until 2020.

The principles necessary to bridge the gap between the President and Members of Congress have been set forward by my legislation that has also been introduced in the House. All that is needed to align these principles with the President's goals and existing budget realities is a willingness to make the effort and take the same risks that have been hallmarks of our Nation's commitment to space exploration. The bipartisan foundation is there to make a cooperative effort.

I stand ready to work with the President to bridge the differences between his budget proposal and the views of many in our Nation and many in Congress that the proposal places too much faith in unproven private sector alternatives to a NASA-managed replacement for the space shuttle and does not address the critical need to ensure the full and complete utilization and return on the investment in the International Space Station. For the sake of our Nation's space program and future generations of space pioneers, I hope when the President returns from his trip to Florida, he will accept my invitation to work together on a comprehensive space flight proposal that is worthy of our Nation and one that I think all of us who have worked on this issue for years—I am the ranking member of the Commerce Committee and I have been the chairman of the Space Subcommittee. I know we can do this. Senator NELSON of Florida, Senator LEMIEUX of Florida know this issue so well. We can do this if the President will work with us to come forward with a plan that is budget responsible and has the capability to extend our shuttles and make sure we utilize the investment we have already made in the space station.

Thank you, Mr. President. I yield the floor.

THE PRESIDING OFFICER. The Senator from New Hampshire.

MR. GREGG. Mr. President, I ask unanimous consent to proceed as in morning business for 15 minutes.

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

FINANCIAL REFORM

MR. GREGG. Mr. President, I rise to speak a little bit about one of the major issues which we are about to take up here in the Senate and which has been discussed at considerable length throughout this country, and especially here in Washington, over the past 2 years as we have dealt with the financial crisis, and that is the issue of fiscal reform and financial reform.

The country went through a traumatic experience of inordinate proportions.

We were on the verge in the fall of 2008 of having our entire financial industry implode, and not only the big financial systems in New York City and around the country, but Main Street America was clearly at risk and had the potential to suffer massive damage.

That cataclysmic event didn't occur because we as a Congress and the administrations of President Bush and of President Obama took some very bold and aggressive action in the way of coming in and stabilizing the financial industry of this country. As a result, we did not have the type of events that were predicted.

Some had said if the financial institutions had been allowed to unravel, we would have been into another Depression-like period. One former Secretary of the Treasury projected that unemployment could have gone as high as 25 percent. Obviously, we have been through a difficult time. The recession has caused great harm. Americans have been under tremendous financial stress. But the damage that might have occurred has been muted to some degree by the actions we took. Now we are at least getting the TARP money back with interest from the banking industry. We are not getting it back from the automobile industry or AIG, but from the banking industry we are getting it back with interest, and we are going to actually make money for the American taxpayer, the stockholders in these various entities we had to support.

The question remains, how do we avoid this type of event occurring again. That involves a lot of different actions that should be taken, because the causes of this event were multiple. One of the causes was clearly that the Federal Reserve kept interest rates too low for too long and made money too readily available. Another cause was the Congress's own decision throughout the 1990s and the early part of this decade to basically promote—and in some instances force—lending for the purpose of buying homes, when the people buying the homes didn't have the wherewithal to support the obligation they were undertaking. The homes in many instances didn't have the value at which they were assessed. There was an assumption of appreciation that would occur that never occurred.

A third cause was plain, old-fashioned, horrible, and sometimes illegal underwriting, where people were essentially putting out loans in a totally inappropriate manner. Then those loans were being securitized. I have described it as an inverted pyramid, where possibly the person who was giving the loan was just interested in the servicing fees of making the loan, in the origination fees of making the loan, not in the actual obligations of the loan, and then the loan ending up being securitized out in the market. You had

all sorts of counterparty liability and multiple structure built on top of this one loan that basically didn't have either the asset value or the capacity of the individual to pay it back. That was the systemic event that was a function of bad underwriting.

So what can we do to correct this? Well, one thing we can do, obviously, is reform our financial structure in this country. It clearly wasn't up to the regulatory needs that were necessary, and there was clearly a lot of activity occurring in the financial markets that was wrong and inappropriate. There is this huge discussion going on now, bills have made their way through the House, and there has been a proposal from the administration—in outline form at least—and there is one from Senator DODD and specifics that have been brought forward in the Banking Committee. There is going to be a major attempt to reorganize our financial institutions.

I think that as we go down this path we have to be thoughtful and constructive. There is this fervor of populism sweeping across our Nation on this issue. The fires have been fanned by the White House and a lot of other people in a very inappropriate way. Populism isn't a good way to try to address something as complex as this type of issue. It is sort of like a beach ball bouncing down the beach that is caught up in the wind. That is the way this financial reform effort seems to be going forward. There is not a lot of thought behind it—just a lot of energy and talk, with ideas that may be politically attractive but in the end will probably do more harm than good.

Our goal should be three things: One, we should reform the systems. We need to put into place, to the fullest extent we can, changes in the way we regulate the financial structure so we avoid a future systemic event. It is pretty hard to project what the next systemic event will be, but we know what the last one was and we should be able to correct those problems. We can anticipate to some degree what the next events may be, and we should try to do that.

Second, we should recognize that we are in a competitive world, and that what we do in the United States to structure our financial system is going to determine whether the United States remains competitive with other nations that have sophisticated financial systems. It is very important that in doing this we not push offshore American jobs and American capital, because it becomes too onerous to manage capital and create jobs in the United States in the financial sector. We, in fact, should have as one of our goals—the first goal being addressing the system's risk—the desire to make America the best place in the world and the soundest place in the world to create capital and credit, so that the engine that drives our economy—remember, our economy is driven not by the government. I know the President

says the more you grow government, the more prosperity you get, and he is certainly trying to prove it, but that is not what drives our economy. What drives our economy is entrepreneurs, people willing to take risks, the initiatives by Americans to create jobs. You cannot do that unless you have credit, and you cannot do it unless you can get capital.

One of the great geniuses of our system, which has made us more competitive than the rest of the world, is that we have always been a place where capital and credit have been readily available to responsible people and risk-takers. We need to keep that atmosphere. When we are finished with this process, we should have a regulatory regime that addresses the issue of systemic risk and at the same time says to the world: bring your capital here; this is the best place to make a loan and underwrite entrepreneurial spirit.

Third—and this is tied to the second—we need to remember this is about Main Street, about making sure that on Main Street in America people have the wherewithal to take that risk, and to get that job, and to buy that house, but that they have it in a context of a sound banking system, one that is a supportive and strong one, and a sound financial system—not one that has been forced to retract as a result of excessive regulations being put on it here in Washington.

If we approach this in a thoughtful way, a pragmatic and constructive way, rather than this populist fervor, where we say everybody on Wall Street is evil, and everybody in banking is evil, and everybody who makes loans is evil—which seems to be the philosophy or theme around here—if we take a more constructive and thoughtful way, we will actually end up with a much stronger and better nation. Often these periods of populist fervor—and we have had a lot of them—Huey Long, William Jennings Bryan—the list is long. Those folks usually end up cutting off their nose to spite their face. These ideas sound good and have a nice jingoistic ring to them, but in the end it undermines the ability to do the basic purpose, which is to make America more prosperous and create more opportunity for Americans and create more jobs.

This is not an issue that needs to be partisan. We have a lot of big, complex questions here to address. With the exception of one, as far as I can tell, none of them has any partisan flavor to them of any significance. First, of course, is what do you do about “too big to fail.” First, it should not exist. There should be no business in this country that is too big to fail. Basically, any company, any business that makes bad decisions should not have some implied guarantee that it is going to be bailed out by the Federal Government or the American taxpayer. If you make a bad decision and put your financial house at risk, your stockholders should pay the price; your secured bondholders should pay the price,

not the American taxpayers. I think there is agreement on that.

On our side of the aisle we have some good ideas on how you end “too big to fail.” As a practical matter, they are better ideas than have been put out by anybody else so far. But they are not partisan ideas. They are just good, sound policies as to how you accomplish this. It could be done. The best ideas have been put forward in a bipartisan way, by Senator WARNER from Virginia and Senator CORKER from Tennessee. That is the first issue. We should be able to reach a comprehensive agreement on that.

Second, of course, is how do you manage risk and structure our regulatory regime so they can see that risk coming and take action. I think there is consensus on both sides of the aisle. Basically, you set up some sort of risk council, where you bring key regulators in and make sure there is communication, you try to end the stovepipes, and you try to cross-fertilize the information, and you don't allow arbitraging regulators so people don't go out and hire the cheapest or weakest regulator. There is not much difference of opinion on that. We can reach agreement on that.

Third, of course—which is huge here—is the question of derivatives, which are very complex. There is no simple answer to this question, on this issue, when you look at the detailed language. What is the purpose of derivatives? It is to basically give the market liquidity, to make sure you have the ability to put out the credit, to make sure that when some business in America needs to protect itself from a downside risk it sees coming at it, it has the capacity to buy that type of protection in the market, that type of insurance. They are extremely important instruments for the purpose of basically being the insurance and the oil that makes the American machinery of entrepreneurship and job creation work. Big companies and smaller companies need them, but especially big companies need these instruments. They need to have them readily available in a way and in a form that makes them usable.

I have been working with Senator REED from Rhode Island for a number of months on almost all the technical issues of how to make the derivatives market stronger, better, and more sound, basically get more liquidity and transparency. On almost all issues we have a pretty good agreement and sense of where we can go. If we continue to work on it, hopefully, we can reach a complete agreement. We do have an issue on the question of mandated exchange treatment of derivatives, which I think can be resolved—I hope. It is not a partisan question. It is a question of how you do it best. That is the approach we should take.

Last is the issue of regulatory structure. Who should regulate what? That is a question of how best you line up the regulators to make sure there isn't

regulatory arbitrage where people try to shop for the best regulator. I strongly believe the Fed needs to be a major player in the regulatory structure. The Fed has shown itself to have the depth and professionalism and the resources to regulate effectively. I hope we would end up with a structure that would recognize that fact. I think there is general agreement on structure that can be reached here. Again, I think we can reach an understanding.

The issue where we have significant differences is consumer protection and how you deal with that. On our side, most of the folks strongly believe you cannot separate consumer protection from safety and soundness. The regulators who have the responsibility for safety and soundness should have the responsibility for consumer protection, and it should be at the same level so there is no question that the consumer receives the same type of attention and support that the regulators put into trying to make sure the banks the consumers get their loans from are safe and sound. When you separate the two and set up a freestanding, autonomous consumer agency, you create significant issues on safety and soundness. The purpose is to make our financial system stronger, not weaker. A separate independent consumer agency with potentially a political agenda or social justice agenda, which has nothing to do with safety or soundness, could easily undermine safety and soundness of the banking industry, especially the community banks—remember, these are the folks on Main Street—essentially creating an atmosphere where loans have to be made to people not based on safety and soundness but based on a social or political agenda of whoever runs the consumer agency that is independent and autonomous. It makes no sense. But, again, this is an issue that can be resolved.

There have been good ideas put forward by Senator SHELBY. At one time, we almost had an understanding between Senator SHELBY and Senator REID on this issue. So this is no reason, in my opinion, to stop the progress on getting a bipartisan, comprehensive bill. The only thing that stands between us getting a bipartisan, comprehensive bill, stopping that progress, is this political issue; the fact that the administration has two paths it can take. It can take the path where we reach a comprehensive, thoughtful, constructive bill that basically does what we need to do in the area of protecting the financial structure of this country from systemic risk and make sure we have the most competitive financial markets in the world and protect Main Street and make Main Street viable, allow people to get loans on Main Street, it can pursue a bill such as that or it can pursue a political bill, carrying the banner of populism forward on the theory that somehow they win points by doing that.

They may win short-term political points. I don't think they do, actually.

But in the long term, the effect that will have on our capacity to produce credit in this country for Americans who need credit in order to do things such as buy houses, send their kids to colleges, or basically just start a business and create jobs, it will be dramatically chilling, to be kind.

We will see a lot of the institutions which compete in this Nation having to go overseas. We will see a lot of companies that need to use derivatives in order to make their products salable and make sure they are not hit with unexpected cost increases or events which are out of their control unable to buy those instruments or obtain those instruments in the United States, so they will have to go overseas. We will see credit markets where consumers will end up paying higher interest rates because they are basically paying for people who are not paying back their loans at a much higher rate, so the good performers end up paying for the bad performers, which inevitably ends up costing the good performers much more in the way of their credit.

These are the results of a populist tact, and they are not good results, in my opinion. They are not constructive. They are so unnecessary because we really have within our grasp the capacity to reach an agreement, pretty much across the board, on all the major issues that affect the question of financial stability and to try to address what happened in late 2008 in a constructive way.

I am hopeful that will be the course that is taken, that we do have a consensus approach rather than a confrontational approach, and that we do have an approach which understands that our first obligation is not to get votes, not to win a political fight, not to have a jingoistic saying that resonates at election time but, rather, to make America stronger, more economically sound, more vibrant, and a place where when one wants to create a job, one has the capacity to get the credit to do it. That should be our goal. I hope we will pursue this regulatory reform effort in that manner.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

MINING TRAGEDY IN WEST VIRGINIA

Mr. ROCKEFELLER. Mr. President, as the Presiding Officer would well understand from his own experience, West Virginia is mourning the loss of 29 brave miners who died last week—most of whom never knew what hit them—when a devastating explosion tore

through the Upper Big Branch Mine in Montcoal, WV. It has brought the whole State to a dead halt. Even though it may never be possible to fully grasp the magnitude of this tragedy or to ease the pain of this devastating loss, we in West Virginia believe strongly in the power of prayer and in the grace of God. That has been important this week and will be in the weeks to come. We hold onto it—that feeling—and we offer it to one another and to the families, friends, and fellow miners who are grieving.

We revere our miners—the men and women who put their lives on the line every single day to provide for their families and bring light and heat to millions. They live in obscurity. They work underground. Nobody knows much about it around the rest of the country, but it is heroic living, and they make this country work.

We offer a heartfelt thanks to the rescue workers who risked their own lives. Our rescue teams, and the entire West Virginia community, never gave up hope and continued to forge ahead in their mission. They know and understand when they volunteer for this dangerous work that at some point in time they will be called upon to put their own lives on the line in the mine. That is what a rescue worker is all about—pushing the edges. How much methane is there, how far can you get in, how much dust is there, what can you see, does he or she have enough oxygen? They did so selflessly and fearlessly, and they have, as you can imagine, my deepest respect.

Even in one of our darkest hours, America has seen the very best of West Virginia—binding together, drawing solace from each other with tears and with mutual love. This is who we are. This is Appalachia. It is the sense of oneness, always against so many odds. The odds are always stacked against us. Maybe that is why I am so proud to represent them—always fighting uphill, others not knowing much about you, not necessarily paying a lot of attention to you but strong, good people. So it is this sense of oneness that sets us apart, in my mind, and why I am so proud to be a West Virginian.

We are all too familiar with this agony. I know the Presiding Officer is. We have been here before—with Sago, with Aracoma. When our worst fears are realized, as they were in this terrible tragedy, we know we must find a way through the searing pain and the loss because that is the way it is in our Appalachia—central Appalachia.

Everybody understands that mining has always been risky, but it can be made safer by people who want to make it safer. That will often start with the person who is in charge of the company. Safety is about a company doing the right thing. Safety is also about the State and Federal Government stepping in and toughening up our laws where that needs to be done. It is about providing the resources and the people to enforce those laws.

Let me give an example. Currently, the Federal Mine Safety and Health Review Commission has 14 administrative law judges. If this year's budget request is enacted, they will have 18. They will go from 14 to 18. Those 18—and right now those 14—administrative law judges, together, face a backlog of more than 16,000 cases, containing 82,000 violations. That is incomprehensible to me. It is ridiculous, but it is true and it is unacceptable.

In the aftermath of Sago, I was proud to coauthor the MINER Act, along with Senator BYRD, Senator Kennedy, and Senator MIKE ENZI from Wyoming. This was, in fact, the only significant Federal mine legislation since 1977, which meant that we had gone 30 years without passing significant mine safety legislation. That doesn't tell the whole story, but it certainly tells some part of the story.

The bill was not perfect, but it did tackle the core problems we faced at Sago, which was a different kind of mine. It was a very rural mine, a much smaller mine than this huge mine in Raleigh County, WV. Because of this bill, we now require that mines have flame-resistant lifelines to guide miners out in an emergency. If you have an explosion. There is dust everywhere. You cannot see anything. So you put in sort of like a handrail, and you hold on to it and you just follow that because you cannot see where you are going. That will lead you to the mine mouth or perhaps to an elevator, if it is still working, that will allow you to get out.

We require refuge chambers that are now located in mines to protect miners if they cannot evacuate. Those are safe havens that have oxygen and food. There are stores of breathing devices along the escape routes—part of the law now.

We have new flammability requirements for new belt equipment. I know that is mining jargon, but I lay it before the Senate. Yet despite these important improvements, we mourn now another disaster of a very different kind. More lives were lost. We ask: How can this be? Again?

Everything we know at this time tells us this accident did not have to happen. This explosion could have and should have been prevented. If you are asked by a coal miner: Does an explosion have to happen? The answer is, no; it is preventable. Yes, that is easy to say and hard to do. But in the real world of serious work in mine safety, it is preventable. Miners do not have to lose their lives.

So our responsibility now is to learn from this new and terrible incident. We have to look at it carefully. We cannot rush to judgment. I am going to explain a couple of things that are being done. We do not know exactly what went wrong at Upper Big Branch mine but I promise you we will demand answers, and we will get answers.

MSHA, which is the Mine Health and Safety Administration, will conduct a

complete investigation into this tragedy, and that will tell us a lot. The agency's quick response and leadership after this explosion has been, in my judgment, highly commendable.

Right now, what we do know is we need to enforce aggressively the provisions of the MINER Act that we passed several years ago in 2006 at all mines. Where they are needed, we must put new laws in place, understanding that mine operations are different. Some mines try to do the right thing, others try less hard. It is a hard job.

I am concerned that the enforcement process today moves much too slowly, and that hurts the good operators as well as helping the bad ones, even when the circumstances demand the most urgent response.

Today, mine safety operators can stop operations in a mine or part of a mine whenever they see imminently dangerous violations. That is in the eye of the beholder, of the inspector, which means they have to be good people and well trained.

Once the operator has addressed that problem, then there is no longer a violation and mining can continue. But these inspectors also look for a very interesting phenomena called "patterns of violations." For that they have to look back over the last several years in a particular mine or a particular part of a mine to find out if there has been a pattern of violation, which, in and of itself, might not rise to the level of imminent danger, but could indicate that the mine needs to improve its safety.

If they find a pattern, these Federal inspectors, they should be able to impose higher fines. If it is not corrected, they should be able to, as they are now, shut down a mine or just part of a mine where there is a particular problem. This mine where the explosion occurred was huge. It had numerous double-digit entrances into different parts of the mine. It was huge.

But, anyway, closing down a mine or part of a mine does not always work that way because companies have found a loophole in this part of the law, the part dealing with so-called "patterns of violations." They just keep contesting and appealing. They appeal and they appeal right on up to Federal court. They appeal the decisions to prevent the finding of a pattern. That is why they do it. If you do not want something to happen, if you do not want to pay a fine, you have been cited for a violation, you have been cited for a fine. But if you appeal it, if you appeal it long and keep appealing, then, if you get a judgment against you, you go to the next court higher up, you do not have to either pay a fine or change the way you operate.

The number of appeals has increased dramatically from just 6 percent of total violations in 2005 to 27 percent last year. With such a tremendous backlog of cases and limited manpower, the average appeal took 587 days to finalize last year, which is bad for everybody. Some operators have

taken advantage of this loophole, preventing government action and imposing a serious risk to the miners' safety.

West Virginians can rest assured that I plan to press this issue aggressively. We are already taking steps to get to the bottom of this. I am glad that President Obama has been involved, and he has called a lot of folks, including miners' families. He has requested a full report to him on what Federal investigators have learned about the disaster, and it is going to happen this week.

Now, maybe that is too early. They may not know everything yet. But he wants to be kept abreast of what is happening. I have asked, and others, for a full briefing on the findings for West Virginia's Congressional Delegation. I decided that was not selfish; I decided that was the right thing to do. I want to know what the President knows, and that is going to happen.

I have requested that MSHA conduct a top-to-bottom review of all mine safety violations all across the country so that we can get a sense of perspective of where we are in this mine and others in other States. And I have also requested hearings and oversight investigations from the Senate Committee on Health, Education, Labor and Pensions. They were kind enough to allow me to sit with them during the hearings regarding the MINER Act so that I could contribute what I know.

In closing, I wish to say our coal miners have lost too many brothers and too many sisters. Coal mining has always been dangerous, and it is a common story in West Virginia—southern West Virginia particularly—which is where I first went, where there is so much coal mining that mothers do not want their sons to go into coal mining. But there they are living up a hollow, up a creek. No other work is available, and they can get paid \$60 to \$70,000 for doing this job after some training.

What are they meant to do? What if it is a mine which does not have any kind of representation which allows people to tell somebody in authority that something is not being done safely?

Well, we have mines where the operators use intimidation. If somebody tries to do something like that, they are out of a job. There are all kinds of ways to do that. And while we all know their journey is a dangerous one, our coal miners must know that everything is being done to keep them safe. That is why I am standing here, simply to say that.

We have a solemn, urgent and, I think, sacred obligation in Congress to find the truth, do it fairly and carefully, and take action in their honor. These men have given us all they can, and we must honor this sacrifice.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

RECESS

Mr. ROCKEFELLER. I ask unanimous consent that the Senate now be in recess until 2:15 p.m. this afternoon.

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

Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, at 12:22 p.m., the Senate recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. BEGICH).

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

CONTINUING EXTENSION ACT OF 2010

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed to H.R. 4851, which the clerk will report by title.

The legislative clerk read as follows:

Motion to proceed to the bill (H.R. 4851) to provide a temporary extension of certain programs, and for other purposes.

The PRESIDING OFFICER. Under the previous order, the motion to proceed is agreed to and the Senate will proceed to the consideration of H.R. 4851, which the clerk will report by title.

The legislative clerk read as follows:

A bill (H.R. 4851) to provide a temporary extension of certain programs, and for other purposes.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, we are now on the temporary extension of unemployment insurance benefits. This bill will help millions of Americans who are struggling to feed their families, struggling to pay the bills.

Take, for example, a single father from Missoula, MT. He has been out of work for weeks. He exhausted his State benefits, and he is now receiving Federal extended benefits. He called the Montana Unemployment Insurance Claims Processing Center, and he said if his unemployment insurance benefits are not extended, he does not know how in the world he is going to take care of his daughters. He continues to search for a job. But for now, unemployment insurance benefits are the lifeline for him and for his family.

Unemployment benefits help him to pay the bills for his daughters. Unemployment benefits help the single dad from Missoula and also help millions of Americans who, through no fault of their own, have fallen victim to this Great Recession.

As we meet today, benefits have lapsed for 200,000 Americans. Another 200,000 Americans could lose their benefits, too, if we do not pass this bill this week.

Unemployment benefits help our unemployed neighbors. In helping our neighbors, we also help to keep open the neighborhood grocery store and the neighborhood gas station. In helping our unemployed neighbors, we also help to keep houses out of foreclosure. In helping our unemployed neighbors, we also help the economy.

The nonpartisan Congressional Budget Office says that extending additional unemployment benefits would have one of the largest effects on economic output and unemployment per dollar spent of any option. The CBO chart behind me tells us how effective increasing aid to the unemployed can be.

The CBO analyzed the effectiveness of a number of job creation proposals. For each policy, the CBO estimated the number of jobs created for each dollar of budgetary cost. You will see on the chart behind me, there are 11 policies the CBO analyzed. Increasing aid to the unemployed is ranked first. It is No. 1, at the top of the chart. You can see it with the blue line. Among all these policies, increasing aid to the unemployed is the most effective. The Congressional Budget Office says it will create the most jobs per dollar of budgetary cost. It is the most efficient and creates more jobs. Other policy options are much less cost effective.

CBO also says each dollar spent increasing aid to the unemployed could increase the gross domestic product by up to \$1.90. That is almost double per dollar spent. Why is increasing aid to the unemployed so effective? Let's ask ourselves that question. Well, households receiving unemployment benefits spend their benefits right away. They have to. They are spent. That spurs demand for goods, demand for services. That boosts production, and that leads businesses to hire more employees.

Unemployment benefits are essential to bridging the gap between losing one job and finding another, and it has become increasingly difficult to find that next job. In February, there were 2.7 million job openings. In the same month, there were 15 million Americans out of work. That means there are about five and one-half job seekers for every job opening—over five.

It is no wonder it is hard for people who are unemployed to find jobs. This chart behind me tells the story. Prior to the Great Recession, there were fewer than two job seekers for every open position. Now there are five and one-half. Let me repeat that. Prior to the Great Recession—you can see it on this chart with the red line over to the left—there were fewer than two job seekers for every job that was open, every position that was open. That was back in December 2007. Now, if you look at the red line that goes to the right, there are five and one-half.

It is important we extend unemployment benefits. We need to bridge that

gap between jobs. Getting unemployment benefits is not living high on the hog by any stretch of the imagination. The average unemployment benefit is \$335 a week. The average cost of a loaf of bread is \$2.97. The average cost of a gallon of milk is \$2.72. Diapers for just one baby can cost up to \$85 a month. These days, \$335 only stretches so far.

We need to keep our unemployed neighbors from falling into poverty. We need to figure out how best to create new jobs for unemployed workers. One way we could do that is to help foster job growth, and that is by using the unemployment insurance program to create the right conditions for job creation. In that vein, I am holding a hearing in the Finance Committee tomorrow to explore ways to use the unemployment insurance system to help Americans get back to work. Let's reform this system. Let's modernize it. Let's make it work better.

States and experts have great ideas for how we can improve the unemployment insurance system. They have ideas about how it can save and create more jobs. For example, some States are creating new jobs through subsidy programs. Montana has a job subsidy program and has put hundreds of people back to work. Using funds from the Recovery Act, this program helps employers to pay for the cost of creating new jobs. Across the country, thousands of people are benefiting from job subsidy programs.

But right now, it is essential we pass a temporary extension of unemployment benefits. It is essential we help Americans put food on the table. It is essential to pay the bills while they continue to look for work. It is essential for people such as Jeremy from Flathead County, MT.

Jeremy is a wildland firefighter. He is receiving unemployment benefits for the first time in his life. Fighting wildfires is seasonal work. Typically, Jeremy can find another job during the off-season, but this year he has been unable to find employment. Jeremy's benefits lapsed on February 28. That is when Congress failed to extend unemployment benefits. Jeremy has been left hanging. It is not right to leave Americans in this position.

So let us extend unemployment insurance benefits for Jeremy the firefighter. Let us extend this vital lifeline for this single dad from Missoula and for his daughters who depend on him. Let us enact this temporary extension of unemployment insurance without delay.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. CARDIN. Mr. President, I rise in strong support of the bill that is cur-

rently before the Senate which would provide for a temporary extension of unemployment benefits, COBRA coverage, and prevent a severe cut to provider reimbursements under Medicare. The bill would also extend the National Flood Insurance Program, which expired on March 28 at midnight. Each of these provisions is important in its own right, and each will help our economy to move forward.

The long-term unemployment rate is defined as the percentage of people in the workforce who have been out of work for more than 6 months and are still looking for jobs. That rate reached 4.3 percent of the workforce in March; that is, 4.3 percent are out of work for 6 months and cannot find employment. Our Nation's overall unemployment rate is still at 10 percent.

Maryland's unemployment rate continues to rise, reaching 8.3 percent in February statewide, up from 7 percent in February 2009. In 11 of our counties, nearly one-half of the counties in Maryland, the unemployment rate exceeds the national rate. In Baltimore City, it is 11.2 percent. In Dorchester County, it is 12.9. In Worcester County, it is an astonishing 18.8 percent—more than double the statewide percentage. In these counties, the situation is urgent. We must act to help keep these families' heads above water. Each of the thousands of families who depend upon extended unemployment benefits needs our help. In Maryland, it is 16,000 families. They need our help in order to be able to feed their families, pay the rent and utilities on their homes, and to keep their houses literally out of foreclosure.

I hear from heads of households every day who are trying to find work, but the jobs just aren't there. In fact, the Labor Department statistics tell us that for every job opening, there are five individuals actively seeking employment. Those odds are not very good for somebody who is trying to find employment today. That is why we have the long-term unemployment and why we need to extend the benefits to those who are in need today. We are emerging from the most severe and prolonged economic downturn since the Great Depression.

For those of my colleagues who are insisting that the unemployment compensation extension be paid for, I point out that for every dollar we spend in unemployment compensation, we are generating more than \$1.50 back into our economy. In other words, this is a stimulus. This helps job growth. When people have unemployment insurance, they spend it immediately. It helps our retail establishments, our food stores, and our economy. It is the definition of stimulus spending, and it is immediate.

I also add that it is not a handout. Employment insurance is just that—an insurance program. It is an insurance program to which employers and employees contribute so that in difficult times such as these, they can receive benefits. We are in these times now.

That is why we paid the unemployment insurance benefits taxes. These funds should now be available to help the people who need it.

Equally essential are COBRA benefits, which allow people who lose their jobs to continue health insurance coverage for themselves and their families. I cannot tell you the number of people who are shocked when they lose their jobs and go to pay for their COBRA and find out it is prohibitive and they cannot afford it. They cannot afford to continue their health insurance protection in the most critical time of their lives. That is why Congress passed help for people during this economic time with their COBRA protection. But that has expired. We need to extend that so families can continue to maintain their health insurance. The extension of COBRA benefits will allow us to get affordable health care to those who are in the most desperate need.

I want to mention the expiration of the National Flood Insurance Program. In my State, over 60,000 homes are covered by the National Flood Insurance Program, and half of those are on Maryland's Eastern Shore. This program was authorized, but it expired on March 28, 2010. Since then, no new policies have been issued, no policies have been renewed, and there has been no increased coverage on existing policies that could be issued. So Marylanders who wish to purchase a home in a flood plain cannot do so during this period.

We need to act now. We literally have frozen the market, which is not good for our economy, for our families, and it is certainly something we need to correct. The bill before us will retroactively make up for the past 2 weeks, but we need to act quickly in order that this important program continues.

Finally, I wish to stress the urgency of fixing the Medicare physician reimbursement, an area on which I have worked for many years to try to repeal the flawed sustainable growth rate payment system that makes no sense. As of April 1, there is a 21.2-percent across-the-board cut in Medicare reimbursement for physicians and other providers who are paid according to the fee schedule—physical, occupational, and speech language therapists, nurse practitioners, and others. The Centers for Medicare and Medicaid Services is holding claims until Wednesday, April 14. At that time, claims will be paid at the lower reimbursement rate. We must stop that from happening.

Today, my office received nearly a dozen calls from constituents who were told by their doctors that they are not accepting new Medicare patients at this time. This is no longer a hypothetical; there is a denial of access to care. Seniors are being made to suffer because of obstructionism in this body of not allowing this bill to move forward in a prompt way.

I come to the floor today to urge immediate passage of this legislation and

urge my colleagues to work together to pass a long-term extension of these essential benefits. Ensuring that American families are able to weather this economic storm should not be a partisan issue. We need to work together to debate the merits of this bill and provide the American people with the help they need and the economy with the boost it needs while we are working on long-term recovery of our Nation.

With that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. GILLIBRAND). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. BURRIS). Without objection, it is so ordered.

AMENDMENT NO. 3721

Mr. BAUCUS. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Montana [Mr. BAUCUS] proposes an amendment numbered 3721.

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

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

The amendment is as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Continuing Extension Act of 2010".

SEC. 2. EXTENSION OF UNEMPLOYMENT INSURANCE PROVISIONS.

(a) IN GENERAL.—(1) Section 4007 of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended—

(A) by striking "April 5, 2010" each place it appears and inserting "June 2, 2010";

(B) in the heading for subsection (b)(2), by striking "APRIL 5, 2010" and inserting "JUNE 2, 2010"; and

(C) in subsection (b)(3), by striking "September 4, 2010" and inserting "November 6, 2010".

(2) Section 2002(e) of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111-5 (26 U.S.C. 3304 note; 123 Stat. 438), is amended—

(A) in paragraph (1)(B), by striking "April 5, 2010" and inserting "June 2, 2010";

(B) in the heading for paragraph (2), by striking "APRIL 5, 2010" and inserting "JUNE 2, 2010"; and

(C) in paragraph (3), by striking "October 5, 2010" and inserting "December 7, 2010".

(3) Section 2005 of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111-5 (26 U.S.C. 3304 note; 123 Stat. 444), is amended—

(A) by striking "April 5, 2010" each place it appears and inserting "June 2, 2010"; and

(B) in subsection (c), by striking "September 4, 2010" and inserting "November 6, 2010".

(4) Section 5 of the Unemployment Compensation Extension Act of 2008 (Public Law 110-449; 26 U.S.C. 3304 note) is amended by striking "September 4, 2010" and inserting "November 6, 2010".

(b) FUNDING.—Section 4004(e)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended—

(1) in subparagraph (C), by striking "and" at the end;

(2) by inserting after subparagraph (D) the following new subparagraph:

"(E) the amendments made by section 101(a)(1) of the Continuing Extension Act of 2010; and".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Temporary Extension Act of 2010 (Public Law 111-144).

SEC. 3. EXTENSION AND IMPROVEMENT OF PREMIUM ASSISTANCE FOR COBRA BENEFITS.

(a) EXTENSION OF ELIGIBILITY PERIOD.—Subsection (a)(3)(A) of section 3001 of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), as amended by section 3(a) of the Temporary Extension Act of 2010 (Public Law 111-144), is amended by striking "March 31, 2010" and inserting "May 31, 2010".

(b) RULES RELATING TO 2010 EXTENSION.—Subsection (a) of section 3001 of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), as amended by section 3(b) of the Temporary Extension Act of 2010 (Public Law 111-144), is amended by adding at the end the following:

"(18) RULES RELATED TO APRIL AND MAY 2010 EXTENSION.—In the case of an individual who, with regard to coverage described in paragraph (10)(B), experiences a qualifying event related to a termination of employment on or after April 1, 2010 and prior to the date of the enactment of this paragraph, rules similar to those in paragraphs (4)(A) and (7)(C) shall apply with respect to all continuation coverage, including State continuation coverage programs."

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of section 3001 of division B of the American Recovery and Reinvestment Act of 2009.

SEC. 4. INCREASE IN THE MEDICARE PHYSICIAN PAYMENT UPDATE.

Paragraph (10) of section 1848(d) of the Social Security Act, as added by section 1011(a) of the Department of Defense Appropriations Act, 2010 (Public Law 111-118) and as amended by section 5 of the Temporary Extension Act of 2010 (Public Law 111-144), is amended—

(1) in subparagraph (A), by striking "March 31, 2010" and inserting "May 31, 2010"; and

(2) in subparagraph (B), by striking "April 1, 2010" and inserting "June 1, 2010".

SEC. 5. EHR CLARIFICATION.

(a) QUALIFICATION FOR CLINIC-BASED PHYSICIANS.—

(1) MEDICARE.—Section 1848(o)(1)(C)(ii) of the Social Security Act (42 U.S.C. 1395w-4(o)(1)(C)(ii)) is amended by striking "setting (whether inpatient or outpatient)" and inserting "inpatient or emergency room setting".

(2) MEDICAID.—Section 1903(t)(3)(D) of the Social Security Act (42 U.S.C. 1396b(t)(3)(D)) is amended by striking "setting (whether inpatient or outpatient)" and inserting "inpatient or emergency room setting".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall be effective as if included in the enactment of the HITECH Act (included in the American Recovery and Reinvestment Act of 2009 (Public Law 111-5)).

(c) IMPLEMENTATION.—Notwithstanding any other provision of law, the Secretary of Health and Human Services may implement the amendments made by this section by program instruction or otherwise.

SEC. 6. EXTENSION OF USE OF 2009 POVERTY GUIDELINES.

Section 1012 of the Department of Defense Appropriations Act, 2010 (Public Law 111-118), as amended by section 7 of the Temporary Extension Act of 2010 (Public Law 111-144), is amended by striking "March 31, 2010" and inserting "May 31, 2010".

SEC. 7. EXTENSION OF NATIONAL FLOOD INSURANCE PROGRAM.

(a) EXTENSION.—Section 129 of the Continuing Appropriations Resolution, 2010 (Public Law 111-68), as amended by section 8 of Public Law 111-144, is amended by striking "by substituting" and all that follows through the period at the end and inserting "by substituting May 31, 2010, for the date specified in each such section."

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall be considered to have taken effect on February 28, 2010.

SEC. 8. COMPENSATION AND RATIFICATION OF AUTHORITY RELATED TO LAPSE IN HIGHWAY PROGRAMS.

(a) COMPENSATION FOR FEDERAL EMPLOYEES.—Any Federal employees furloughed as a result of the lapse in expenditure authority from the Highway Trust Fund after 11:59 p.m. on February 28, 2010, through March 2, 2010, shall be compensated for the period of that lapse at their standard rates of compensation, as determined under policies established by the Secretary of Transportation.

(b) RATIFICATION OF ESSENTIAL ACTIONS.—All actions taken by Federal employees, contractors, and grantees for the purposes of maintaining the essential level of Government operations, services, and activities to protect life and property and to bring about orderly termination of Government functions during the lapse in expenditure authority from the Highway Trust Fund after 11:59 p.m. on February 28, 2010, through March 2, 2010, are hereby ratified and approved if otherwise in accord with the provisions of the Continuing Appropriations Resolution, 2010 (division B of Public Law 111-68).

(c) FUNDING.—Funds used by the Secretary to compensate employees described in subsection (a) shall be derived from funds previously authorized out of the Highway Trust Fund and made available or limited to the Department of Transportation by the Consolidated Appropriations Act, 2010 (Public Law 111-117) and shall be subject to the obligation limitations established in such Act.

(d) EXPENDITURES FROM HIGHWAY TRUST FUND.—To permit expenditures from the Highway Trust Fund to effectuate the purposes of this section, this section shall be deemed to be a section of the Continuing Appropriations Resolution, 2010 (division B of Public Law 111-68), as in effect on the date of the enactment of the last amendment to such Resolution.

SEC. 9. SATELLITE TELEVISION EXTENSION.

(a) AMENDMENTS TO SECTION 119 OF TITLE 17, UNITED STATES CODE.—

(1) IN GENERAL.—Section 119 of title 17, United States Code, is amended—

(A) in subsection (c)(1)(E), by striking "April 30, 2010" and inserting "May 31, 2010"; and

(B) in subsection (e), by striking "April 30, 2010" and inserting "May 31, 2010".

(2) TERMINATION OF LICENSE.—Section 1003(a)(2)(A) of Public Law 111-118 is amended by striking "April 30, 2010", and inserting "May 31, 2010".

(b) AMENDMENTS TO COMMUNICATIONS ACT OF 1934.—Section 325(b) of the Communications Act of 1934 (47 U.S.C. 325(b)) is amended—

(1) in paragraph (2)(C), by striking "April 30, 2010" and inserting "May 31, 2010"; and

(2) in paragraph (3)(C), by striking "May 1, 2010" each place it appears in clauses (ii) and (iii) and inserting "June 1, 2010".

SEC. 10. DETERMINATION OF BUDGETARY EFFECTS.

(a) IN GENERAL.—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

(b) EMERGENCY DESIGNATION FOR CONGRESSIONAL ENFORCEMENT.—This Act, with the exception of section 4, is designated as an emergency for purposes of pay-as-you-go principles. In the Senate, this Act is designated as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

(c) EMERGENCY DESIGNATION FOR STATUTORY PAYGO.—This Act, with the exception of section 4, is designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139; 2 U.S.C. 933(g)).

Mr. BAUCUS. Mr. President, on March 10, the Senate passed a bill to extend unemployment insurance and a number of other provisions through the end of this year. We are currently working with the House of Representatives to agree on a package of offsets for a portion of that bill.

In the meantime, Congress needs to act on the pending bill to ensure that Americans can receive their much needed unemployment benefits. This bill would extend benefits to the end of this month.

My amendment, which I just offered, will extend the programs in the bill before us today for one more month, until the end of May. Why? What is the purpose of this? The answer is that this further short-term extension would ensure that Congress has enough time to resolve its differences over the long-term extension.

It is now April 13. The end of the month is not too long away. It is not sufficient time to work out an agreement with the relevant Senators on both sides of the aisle as to how to pay for this and what portions of the unemployment/COBRA bill. It is going to take a little more time than 2 weeks. This amendment will extend the unemployment benefits and all the provisions in the current bill for one more month to give us time to work out a solid understanding so that in the end we can pass the bigger, longer term extenders bill, which would extend the tax provisions, as well as the SGR, COBRA, UI, FMAP, and other provisions until the end of the calendar year.

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

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

Mr. DORGAN. Mr. President, we invoked cloture last evening on a motion

to proceed to legislation that will extend unemployment benefits during what has been the deepest recession since the Great Depression. We have had objections from the other side to extending unemployment benefits as an emergency, saying these cannot be extended because they will cost too much and add to the deficit and this and that.

It is interesting to me that in this country, when our country has experienced an economic downturn, we have always dealt on an emergency basis with the most vulnerable Americans by extending unemployment insurance benefits. Why? For two reasons. No. 1, when you work for a living in this country, you actually pay premiums for an unemployment insurance plan that then kicks in when you lose your job. This is not as if somebody is getting something for nothing. People who are working in this country are actually paying into a plan that provides for unemployment insurance. And, No. 2, extending unemployment insurance during a severe economic downturn is just the right thing to do for the most vulnerable Americans.

I find it interesting that the very people who have been standing in the way of doing this, saying it is the Federal budget deficits, that they are too big—I agree they are too big. But I have not seen any of these folks out here when it really matters. This is taking on the most vulnerable Americans. They are out here taking on that issue.

How about the big issues? How about fighting a war and not paying for one penny of it over a 10-year period? In the 8 years of the previous administration, we went to war, and we were told by President George W. Bush: You are not going to pay for a penny of this; and if you try to pay for it, I will veto the bill. It is all going to be emergency spending. The fact is, we should have seen the same folks out here complaining about that issue.

Or how about going back 10 or 11 years when legislation was passed that built these huge corporate financial pyramids that got engaged in all kinds of unbelievable risky speculation and ran the country into the economic ditch and caused \$15 trillion of American wealth to vanish and cause these unbelievable increases in deficits? I did not see them out here on that issue either. In fact, many of them voted for the legislation that repealed the protections that were put in place after the Great Depression and actually allowed to happen what has happened in the last 10 years that caused this collapse.

I don't know. It seems to me this last stand on the budget deficit, to say let's have the last stand when it comes to the most vulnerable Americans, that is our last stand—how about a last stand, for example, on some of the affluent Americans? How about a last stand on carried interest? I encourage my colleagues who have been out here worried

about the budget deficit to come out here while I am here and talk about changing the carried interest rules.

What does that mean? It sounds like a foreign language to some. It means some in this country are earning more income than anybody in America and paying the lowest income tax rates. Why is that the case? That is what the law allows them to do. We have been trying to change the law, but some of my colleagues do not want to change the law. That would be increasing taxes.

Let me give an example of increasing taxes. How about increasing taxes on a person who made \$3.6 billion in a year—which, by the way, is about \$10 million a day—and pays 15 percent income taxes? How about if we say to that person and others like him or her: How about you pay the same kind of taxes everybody else in this country pays? That will reduce the Federal budget deficit.

I ask my colleagues, do you want to join me to do that? I am all for reducing the Federal budget deficit. Tighten our belts, reduce spending—I am all for that. But, also, how about asking people to pay their fair share of taxes?

I said yesterday, as I said before, that we have some of the biggest financial institutions in this country that in the last decade decided to buy sewer systems from foreign cities in order to avoid paying U.S. taxes. How about let's make sure we close all loopholes, such as that loophole, that say: You want all the benefits America has to offer? How about paying the taxes and being responsible as an American citizen for things that you are required to do?

If we want to reduce the Federal budget deficit let's take some real big hunks at doing that by, yes, reducing some spending, and there is plenty of waste. I chaired 20 hearings on the biggest waste, fraud, and abuse in the history of this country; that is, the contracting in Iraq and Afghanistan. I will not go through it in detail today. I am telling you, it is the biggest waste in American history in these contracts.

Let's cut some of that spending. Let's raise some taxes on those who are not paying their fair share, those who are doing everything they can to avoid paying taxes in this country. Let's cut the deficit, but let's not come out here and pretend that the last stand is to take on the most vulnerable Americans at a time when we should extend unemployment insurance. That makes no sense.

Mr. President, if you know much about economics, you understand during a steep economic downturn there is substantially less revenue coming into the Federal Government. We have lost something like \$400 billion a year in revenue. At exactly the same time when we have a steep economic downturn, the economic stabilizers kick in—unemployment insurance, food stamps, and other programs for people who have been laid off, out of work, in trouble. That is exactly what we do during

an economic downturn. We have less revenue and more spending. That is temporary because the minute we come out of this and restore economic health, then we do the things necessary to get rid of those budget deficits and put the country back on track to a better course.

I don't know, this has been a Byzantine circumstance to see who comes to the floor of the Senate and say: You know what. Now we are going to make our last stand, and it is going to be when you want to give some unemployment insurance to the most vulnerable Americans, those who have lost their jobs.

Someplace in this country, all around the country today, about 17 million people or so woke up jobless. They have lost their jobs. They do not have work. They got dressed and went out with some hope in their hearts that maybe they could find a job. But tonight will come and they will not have found a job. The question they ask is, Am I going to get the funding I was told would exist, for which I paid insurance premiums for unemployment insurance? Am I going to get that help during this period of time? This was not my fault. I was laid off because of a very steep economic recession.

The answer should be from this Congress: Yes, you are going to get that help. We understand the obligation and the need to do that during this economic recession.

My hope is we will get a little cooperation and see if we can do that. Again, I am very interested in tackling this Federal budget deficit. Let's tackle it in big ways in the areas where substantial additional revenue that should come in is now not coming in because people are avoiding paying their taxes, some of those who are the wealthiest Americans.

Let's also tighten our belt and cut spending in areas I just described. Let's not decide the last stand is to take on the most vulnerable Americans who woke up this morning jobless and, in some cases, hopeless and helpless if they do not have money to buy food, pay rent, and buy medicine.

We can do better than that. There is a moral imperative for this Congress to at long last do the right thing.

I did not come to the floor to say that, but because that is the business of the day, I wanted to, on behalf of Senator BAUCUS and Senator REID and others, say that we have an obligation, and we are trying to work through this issue.

Last night by one vote we were able to invoke cloture with almost no help—we got a little help to get cloture invoked. Now we will get on with the business of seeing if we can, during a very deep economic downturn, extend unemployment insurance as we are required to do and as we have an obligation to do.

I hope the answer is yes. That is our responsibility. That is our obligation. If there are those who come to the

floor later wanting to join me in dealing with the issues I just described—spending cuts, revenue increases from those who are not paying their fair share, some of the biggest financial companies in the country—let's join and do that. I am here and very happy to do it.

ENERGY

Mr. President, there are many things on the agenda for this country that need doing. We are trying to work through this list. We worked on a health care reform bill that I understand was very controversial. The fact is, health care is such a significant part of our economy and the costs are growing so rapidly that we have to try to address it, and we did.

There is another issue, however, that I want to talk about today, and that is the issue of energy. We do not think much about energy because it becomes kind of second nature to the way we live. We get up in the morning and the first thing we do is turn off an electric alarm clock, perhaps, and then flick a switch and lights go on. We do almost everything without thinking, and that reflects on our use of energy. Someone makes coffee. They turn on a stove to make coffee or plug in a toaster to make toast. They get in their car to drive to work, perhaps take a shower beforehand with hot water from a hot water heater. All of those, even before they get started, reflect the prodigious use of energy in our country.

Almost two-thirds of the oil that we use in this country comes from other countries outside our shores. I have spoken often about this fact. But we stick straws in this planet and suck oil out of it. We suck out about 85 million barrels of oil a day and one-fourth is destined to come to the United States because that is how much we need and how much we use. The problem is that about two-thirds of it comes from other countries. Some of it comes from countries that do not like us very much.

The question is, How do we provide greater energy security for our country, more energy security so we are less vulnerable? Second, and just as important, how do we change our mix of energy and our use of energy to protect our planet with respect to the issue of climate change?

Let me talk about this for a moment and say the following: First, climate change is important. There is something happening to our climate, and we ought to address it. Even the skeptics should at least be in support of a series of no-regret steps that if 50 years from now you decide that climate change was not happening, at least you have done something you don't have regrets doing because they were the right things to do. Even the skeptics should agree about that. But, yes, something is happening to our climate and we ought to take some steps to address them. I am in favor of capping carbon. The use of carbon and emitting it into the airshed is a serious problem. We

need to have a lower-carbon future. I am in favor of capping carbon emissions. But it has to be done in a smart way and an appropriate way, and I am in favor of that. I am also in favor of putting a price on carbon.

There are some people who I think that I and others who want to bring the Energy bill to the floor of the Senate—which came from the Energy Committee and the work we did last year—don't support addressing climate change. I support the effort to address climate change. I support a cap on carbon, and I support the opportunity to decide that we are going to not only lower carbon emissions, but put a price on carbon, which is a way to accomplish all that. What I don't support is what is called "cap and trade" as the mechanism to do that because I don't have any interest or willingness to consign a \$1 trillion carbon securities market to Wall Street to speculate on. There are other ways to do this.

Let me just say that the issue of restraining carbon and putting a price on carbon can be done in many different ways. Some of my colleagues say: Well, the only way to do it is what we call cap and trade. I don't believe that, and I don't support that for the reasons I have described. There could be a carbon fee, a straightforward carbon fee, which is much less complicated. There is the cap-and-dividend approach, which has some advantages as well. There is a sector-by-sector approach. There are a number of hybrid approaches being discussed. There is the command-and-control approach, where you simply say: Here is the restriction. So, there are many different approaches to this issue of restricting carbon and trying to price carbon.

But here is what is happening. We passed an energy bill out of the energy committee last June. It was bipartisan. Republicans and Democrats joined together and we passed an energy bill and here is what it does: It will reduce the amount of carbon emitted into the airshed, it will maximize the production of energy from wind and solar sources, which are carbon free, and it will build the transmission capability around the country, a superhighway of transmission so you can gather energy from where the sun shines and the wind blows and put it on the wire to move the energy where it is needed to a load center. We also have a renewable electricity standard, called an RES, requiring 15 percent of all electricity be done from renewables. I would offer an amendment to take that to 20 percent, if we can get the bill to the floor of the Senate.

That is just an example of what is in the bill. In fact, this is a chart reflecting that it will reduce our dependence on foreign energy and it will increase domestic production. It was my amendment that opens the eastern Gulf of Mexico for production. It is the only area that is not now open and has substantial reserves of both oil and natural gas. We establish a renewability

electricity standard, create a transmission superhighway. We electrify and diversify the vehicle fleet in our country. Seventy percent of the oil used in this country is used in the vehicle fleet. So that is very important. The bill contains substantial provisions dealing with energy efficiency and new green energy technology.

All those things are exactly what we would do if we had already passed a climate change bill to say: All right. Now how do you implement it? What are the provisions you develop in order to implement this, to have less carbon emitted? This is what you would do.

So many of us have been impatient about trying to get this bill to the floor of the Senate, but here is what I understand. I understand that those who say they want climate change legislation first have said they don't want an energy bill to come to the floor of the Senate because they want there to be some agreement on climate change, and until they get that, they don't want the Energy bill to come to the floor of the Senate. My view is, we should bring the Energy bill to the floor of the Senate. Let's all of us decide this is a priority. When the bill comes to the floor of the Senate, let's reach an agreement on some kind of climate change amendment to this bill and move ahead.

I wouldn't support cap and trade, but there are other things I will support that will put a price on carbon. But why would we end this Congress not having achieved some very substantial achievements in a bipartisan energy bill that will actually reduce the emission of carbon in the atmosphere? That makes no sense to me.

As we go forward, I know this is an issue that requires it fit into a broader set of issues—immigration reform is discussed these days, Wall Street reform or financial reform is going to come to the floor at some point, which will take some time, appropriations bills, and there are many other things—but I still believe it is very important that we diversify America's energy supply, that we maximize the production of renewable energy, and that we produce more here at home and, yes, that includes oil and natural gas. The use of coal is also very important, the use of coal using new technology to decarbonize. We can do all these things. Our legislation includes the provisions that will accomplish that.

So, what we need to have happen is to have our legislation come to the floor of the Senate from the Energy Committee. I would say to all those who wish to work on the broader piece of climate change to add to it as an amendment. I support a carbon cap, and I will support pricing carbon. That does not include support for cap and trade. If we haven't learned anything from the last decade or so about what Wall Street would do with a \$1 trillion securities market, then we are pretty ill-prepared to legislate on these issues.

There are not a lot of weeks left in this legislative session, and my fervent hope, I would say to those who have been working on climate change and blocking our ability to bring an energy bill to the floor of the Senate, is that we can perhaps find a way to work together to bring the Energy bill to the floor. That is the way the Senate works. The Senate works by running things through a committee and working hard to achieve compromise. We did that on a bipartisan basis and passed a piece of legislation that is a Democratic-Republican energy bill that reduces carbon, maximizes renewable energy, opens additional areas of drilling in the eastern gulf, builds an interstate highway of transmission capability, has the first ever RES, renewable electricity standard, and all those things are important to this country. We should not leave them at the starting gate. Let's at least decide that this, too, is a priority for our country. Yes, health care is a priority, but so is energy.

Let me make one final point. If tomorrow morning, instead of flicking that switch, shutting off the alarm clock, taking a shower with the use of an electric water heater, putting a piece of bread in the toaster, taking something out of your refrigerator and using all that energy even before you get in your car to go to work, if, God forbid, somehow terrorists interrupted the pipeline of foreign oil coming to this country—and there are a lot of points where that possibility exists—this country's economy would be flat on its back. We are, in my judgment, far too vulnerable with the percentage of our economy that runs on foreign oil and there is a way to respond to that and a way to address it and much of that is included in this legislation that has already passed the Energy Committee on a bipartisan vote.

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

The PRESIDING OFFICER (Mrs. HAGAN). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

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

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

(The remarks of Mr. KAUFMAN pertaining to the introduction of S. 3196 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Colorado.

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

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

NASA BUDGET

Mr. UDALL of Colorado. Madam President, I rise today to discuss President Obama's proposed fiscal year 2011 budget and the proposed path forward for the National Aeronautics and Space Administration which we all know as NASA. Even though Colorado doesn't have a NASA facility, this proposed budget and the major changes to NASA's direction included in it have major implications for thousands of Coloradans. I was the chairman on the House side of the Space Subcommittee and I know what space means to Colorado and I know what it means to our Nation.

Yesterday, Senator BENNET and I had the opportunity to meet with former General and now NASA Administrator Charlie Bolden to urge him to reevaluate the decision included in the President's budget request for NASA to terminate the Constellation Program. This program is developing the successor to the retiring space shuttle known as the Orion capsule and Ares rocket. Those two technologies will be teamed up in the planning that was brought together.

We had a frank and productive discussion with Administrator Bolden. Senator BENNET and I impressed upon him the importance of this program—especially the development of the Orion capsule—to thousands of jobs in Colorado and, frankly, to America's leadership more broadly in space. General Bolden assured us that he wants to be flexible and work with Congress on this NASA budget and that he is committed to human space flight. In other words, the President's budget request is the beginning of a long process, and I was pleased to hear General Bolden is set on working with Congress to chart a future course for NASA and America's leadership in space. I look forward to working with General Bolden as this unfolds.

If I might, I will take a few moments to describe the aerospace community in Colorado. Although we don't host a NASA facility, Colorado has the second largest aerospace economy in the Nation, behind only California. We have a talented and educated workforce and our colleges and universities have deep ties to NASA, private aerospace companies, and Federal research laboratories. We have many businesses that partner with NASA and the military to provide launch services and satellite development as well as a number of startup companies that are pushing the boundaries of what is possible in privately financed access to space. We can also in Colorado boast of the two key military space commands—NORAD and the Air Force Space Command—and three Air Force bases with strong space missions: Buckley, Peterson, and Schriever.

In short, Colorado's aerospace enterprise brings together the government and commercial sectors as well as the military and civil sectors. For all of these reasons, I pay close attention to NASA and to the administration's vision for the agency, and the significant changes in the President's fiscal 2011 budget request demand an especially hard look. I know many of my Senate colleagues feel the same way.

I have been reviewing the President's NASA budget since it was released in February and, as I noted earlier, Senator BENNET and I shared our concerns with General Bolden yesterday.

Let me start by saying there is much to like in the President's budget. First, it supports an extension of the International Space Station until 2020 and possibly beyond. Completing this station has been a long time coming and I am pleased to see that this administration's commitment to fully utilizing it past the previous end date of 2015.

Second, the budget includes important new investments in science and aeronautics research. My goal is to balance each of NASA's four mission priorities: earth science, space science, space exploration, and aeronautics. The President's request for nonexploration priorities represented a far-sighted investment that should pay large dividends.

Also, the budget includes an additional \$6 billion over 5 years, which is especially notable at a time when many agencies are seeing flat or declining budgets. Much of this investment will go toward developing transformative technologies and propulsion systems that will help NASA cross into new frontiers.

However, the elephant in the room is understandably the proposed cancellation of the Constellation Program, which is to be supplanted by commercial development of human space flight. A purely commercial approach to human space flight may be the future, but I am concerned that it also runs the risk of diminishing American leadership in space. If that happens, that would be a great shame. It would be penny wise, but I fear it would be pound foolish. Let me be frank. This move would hit Colorado especially hard. Well over 1,000 Coloradans work directly on one aspect or another of Constellation. In addition, the Jefferson County Economic Council estimates that work on Constellation supports nearly 4,000 additional Colorado jobs and \$300 million worth of economic activity in the Metro Denver area. As the Presiding Officer can imagine, those kinds of numbers give me real pause. They are especially worrisome in today's economic conditions.

The budget proposal leaves broader questions unanswered as well. After the planned retirement of the space shuttle next year, the United States will be without the capacity to launch humans into space, including to the International Space Station. At that point, we will be forced to purchase ac-

cess to space on Russian Soyuz spacecraft. Constellation was supposed to minimize the gap in our ability to access Low Earth Orbit, otherwise known as LEO, and now the President is proposing to rely on the commercial sector to minimize the gap instead.

I strongly support development of commercial launch capabilities and space services, and I look forward to the day when the commercial sector can provide these services for NASA to focus on development of new exploration technologies and human missions beyond Low Earth Orbit.

I am confident that day will come. However, I have not seen sufficient proof from the administration that day is close at hand. The commercial sector has yet to prove it can safely put a human into orbit.

Should the commercial sector fail to deliver human access to space, America will be reliant on Russian-procured launch services to the space station and LEO for the foreseeable future. In my opinion, that is an unacceptable position for our Nation.

The United States and Russia have enjoyed a very productive partnership in space. It has been good for our country and good for space exploration. We should cooperate and share resources wherever possible. But I am concerned about what an indefinite reliance on Russian launch services will mean for our leadership in space.

Cancelling Constellation has other important implications for our national security. NASA is a prime customer for the U.S. space launch industrial base, which we rely on to sustain our strategic deterrence mission and to ensure access to space. These issues are especially important to me, as I sit on the Armed Services Committee.

Department of Defense officials have stated that Constellation's cancellation could increase the current price of propulsion systems for our launch vehicles. The Department of Defense is looking at the cost impacts, but we will not have clear answers until this summer. Congress needs this information before deciding whether to approve the President's budget request.

I do not want to appear naive about the problems this administration faced in crafting a NASA budget and direction for the future. The Constellation Program, as currently resourced, is clearly "unsustainable," in the words of the Review of Human Spaceflight Plans Committee—more commonly known as the Augustine Committee. The committee went on to say that we are "perpetrating the perilous practice of pursuing goals that do not match allocated resources." That is simply not a recipe for U.S. leadership in space either.

In the midst of crafting this budget for NASA, the administration also faced the worst economic conditions in a generation. I can appreciate the difficulty of designing a sustainable plan for NASA with today's fiscal constraints.

We cannot and should not ask NASA to do more with less. Transferring routine space operations to the commercial sector appears to be an attractive, potentially money-saving alternative.

I know I am not alone in believing that Congress should not support this budget based on what we know now. Terminating Constellation does not make sense. But we should be open to restructuring the program in a way that preserves American leadership in space and protects jobs.

Madam President, where do we go from here? The President will be speaking later this week in Florida. It will be his first set of comments on the proposed NASA budget. I appreciate the fact that the President is tackling the problems with Constellation head on. However, he needs to explain his plan better.

I hope the President will begin to answer the questions that I and many of my colleagues in Congress have asked. I hope he will begin to articulate a plan for NASA that is, in the words of the Augustine Committee, "worthy of a great nation." I do not believe we are there yet, but we will get there.

One of the lessons I learned as a mountaineer came on the 10th day of what was supposed to be a 7-day climb of Mount McKinley. At that critical moment in our climb, I learned that when you are all the way in, you will find a way. I believe the American people are all the way in with NASA. I know this Congress is.

NASA's mission of exploration resonates with each of us. That mission transcends programs, budgets, and politics. It has endured the end of Mercury, Gemini, and Apollo, and it will soon endure the end of the space shuttle.

Unfortunately, the history of NASA is littered with canceled programs with little to show for them. I don't want to see the same happen with Constellation, nor do I want to continue on an unsustainable course.

The challenge before us is to ensure that NASA's programs and budgets are worthy of its mission.

Over the coming weeks and months, I will be working with my colleagues in Congress and the administration to find the right way to further NASA's mission.

I believe there is a sweet spot to be found that includes many of the positive aspects of the President's proposal. But the American people deserve answers on the President's vision for our Nation's leadership in human space travel.

While some changes need to be made, I believe the Constellation Program has advanced an important mission. It would be highly disappointing to leave behind the significant investments we have made in Constellation without anything to show for them.

We will find a budget that works for NASA, for Congress, and for Colorado. We have to because we are in all the way.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. 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. REID. Mr. President, there will be no more votes today.

I ask unanimous consent that on April 14, tomorrow, following morning business, the Senate resume consideration of H.R. 4851, with the time until 12 noon equally divided and controlled between the leaders or their designees; that during this time, it be in order for the Republican leader or his designee to make a relevant Budget Act point of order against the pending Baucus amendment No. 3721, to be modified as specified below; that after the point of order is made, Senator BAUCUS or his designee be recognized to move to waive the applicable point of order; that the vote on the motion to waive the budget point of order occur at 12 noon; that no intervening motions or amendments be in order during this period of debate; further, that it be in order to modify the Baucus amendment with provisions which cover the extension of small business programs.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest (Joe Johnston) proceeded to call the roll.

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

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

RECESS APPOINTMENT

Mr. VOINOVICH. Mr. President, I rise to speak about one of the recess appointments President Obama made when the Senate was not in session. Before I get into my concern about this, I wish to emphasize the fact that I have been the ranking member or the chairman of the Oversight of Government Management and the District of Columbia and then several years ago the Federal Workforce. Working with Senator AKAKA, we have conscientiously tried to make the most significant improvements in the Federal service, in terms of human capital and looking at title V of the code that deals with our Federal workers.

If we look at the past and determine why we have had some real bad situations in the Federal Government, it is we have not had the right people with the right knowledge and skills at the right time in the right place. The whole effort has been to try to improve the management of our government, to work with Senator AKAKA to try to get

Federal agencies off the high-risk list. The high-risk list is agencies subject to waste, fraud, abuse, and mismanagement.

I first share that with you because I think it may cast a little bit of a light on what I am going to talk about this evening.

The President nominated Rafael Borrás to serve as the Department of Homeland Security Under Secretary for Management on June 24, 2009. That is June of last year. I met with Mr. Borrás to discuss his experience, qualifications, and goals for the Department of Homeland Security and also served as the ranking member when the Homeland Security and Governmental Affairs Committee held his nomination hearing on July 29, 2009.

I carefully reviewed Mr. Borrás's background and resume and stated qualifications and heard what people he worked for and what people who worked for him said about him. Based on all that, I placed a hold on Mr. Borrás's nomination because I believe he is unqualified to be the DHS Under Secretary for Management.

On March 27 of this year, the President ignored my concerns and my hold and made Mr. Borrás 1 of his 15 recess appointments, and I want to know why. I want to know why. I do not generally oppose nominees, and I do not put holds on lightly. When I do, I explain why I put on holds. I do not hide out. I let people know why I put on a hold.

I am extremely concerned about the management challenges the Department of Homeland Security faces, which are wide ranging and far reaching.

When Congress established the Department of Homeland Security in 2002, we initiated the Federal Government's largest restructuring since the Department of Defense was created in 1947. What is more, we told the Department to protect us from terrorism and natural disasters, while addressing the organizational, operational, and cultural challenges associated with merging 22 agencies and 170,000 employees into one entity. It is probably the biggest management challenge in the history of the world. The Government Accountability Office cautioned about the challenges the merger would cause and placed the Department of Homeland Security on its high-risk list in January of 2003.

Today, DHS is the third largest Cabinet department with about 230,000 employees and an annual budget of \$50 billion. Management challenges persist and the Department remains on GAO's high-risk list. Additionally, the DHS inspector general, the DHS Chief Financial Officer, and the Homeland Security Advisory Council's Cultural Task Force have also identified management challenges at the DHS. They recognize they have some big problems.

DHS is too big an entity, spending too much money, with too important a job to be deemed susceptible to waste, fraud, abuse, and mismanagement year after year, and it is imperative that

the right person be put in place to address those challenges. I do not believe Mr. Borrás is the person, and I do not think he will move the Department forward toward getting off the Government Accountability Office's high-risk list.

My concerns about Mr. Borrás's qualifications and the hold on the nomination, as I mentioned, were not secret. I wrote to the majority leader, I wrote to Secretary Napolitano, and I also wrote to the President to outline my concerns.

I announced at a Homeland Security and Governmental Affairs hearing on DHS management challenges that I was holding the nomination because of those concerns, but no one approached me to discuss those concerns. The Senate did not debate Mr. Borrás's qualifications. No cloture motion was filed. Rather, my concerns were ignored, and this recess appointment was made.

I would like for someone in the administration to explain why things were done this way. I assume because it is everyone knows Mr. Borrás is not the best person to manage our third largest department, and any debate we had would have made his lack of qualifications plainly apparent. So we did not debate it.

If the Senate had taken the time to debate this nomination, I would have explained in 2007, Congress set statutory requirements for the DHS Under Secretary for Management. By the way, we helped create that special Under Secretary for Management because we believed the Department needed someone who would get up early in the morning and go to bed late at night and move on the transformation that is needed in the Department to get it off the high-risk list.

We required the Under Secretary to have extensive executive-level leadership and management experience, a demonstrated ability to manage large and complex organizations, and a proven record in achieving positive operational results. Mr. Borrás did not meet those statutory requirements because he does not have the appropriate executive-level leadership experience or demonstrated ability to manage an organization as large and complex as DHS.

The administration and Mr. Borrás point to his experience as one of several vice presidents in one region of a Fortune 500 company, as a regional administrator for one region of the General Services Administration, and as a Deputy Assistant Secretary at the Department of Commerce. I do not believe, and most people do not believe, these experiences are in any way comparable to the challenges Mr. Borrás will face at DHS.

Mr. Borrás has never overseen a budget anywhere near as large as the DHS budget. His own assertions indicate that the largest budget he ever was involved with was \$4.5 billion at the Department of Commerce. That is roughly one-tenth the size of the DHS

\$50 billion budget, and Mr. Borras was never directly responsible for the Commerce Department budget. He was just one of those who worked at the Department.

Additionally, Mr. Borras has never managed hundreds of thousands of employees, such as the 230,000 he will be responsible for at DHS. At most, he asserts he was directly responsible for managing 1,500 employees while a GSA regional administrator.

He has also never overseen a procurement budget similar to that at DHS, where in 2005, \$10 billion was spent on 63,000 contracts. Mr. Borras asserts that the largest procurement budget he has been involved with was one-quarter of that, \$2.5 billion, while he was at the General Services Administration.

Given the vast difference between Mr. Borras's experience and the requirements of the job, I agree with two of his former supervisors who told me this job is a big leap from what he has done in the public and private sector. In other words, they said this is a big leap from what he has done.

Further, when you compare Mr. Borras's qualifications with the qualifications of past nominees for this position, it is even more concerning.

For example, Paul Schneider had over 38 years of Federal service when he was nominated to be the DHS Under Secretary for Management, and much of that experience was with the Navy, a large, complicated organization such as DHS.

Similarly, Elaine Duke had more than 25 years of progressively difficult Federal Government experience, primarily within the Department of Defense, when she was nominated to be DHS Under Secretary for Management.

I do not mean to imply only career civil servants are appropriate for this role, but Mr. Borras's resume does not include high-level managerial positions in organizations that are similarly complex to DHS. I think the Department of Homeland Security Under Secretary for Management needs a proven record in that regard.

I emphasize again, we set this up specifically to be responsible for transformation and to deal with the management problems of the Department. We laid it out: This is the kind of person we ought to be putting into this position.

Additionally and unfortunately, Mr. Borras demonstrated a lack of attention to detail on two separate occasions in his personal life, which makes me wonder whether he is prepared to successfully undertake all the responsibilities required of the DHS Under Secretary for Management, such as addressing DHS's low rank on the "Best Places to Work in the Federal Government" study and overseeing the billions of dollars the DHS spends on hard-to-manage projects such as SBInet.

I feel so strongly about Mr. Borras's lack of qualifications that I am no longer seeking to work to enact a 5-

year term for the person who holds this position. The thought was, when we put this position together, we would give it a 5-year term because we knew that if we were going to do transformation, it was going to take more than 1 year. We would give that individual 5 years to go forward and work on nothing but transformation, transformation, transformation, so this Department would come together and get it off the high-risk list.

The Government Accountability Office suggested that such a term would help improve the management function at DHS, and I have been advocating for such legislation for the last couple years. My bill has bipartisan support and has passed the Senate before, but now I don't want it enacted because I am afraid of having Mr. Borras in this position for 5 years. I don't think he has the skills necessary to get the job done. So that is gone.

I know I am not alone in my concerns. Mr. Borras was passed out of the Homeland Security and Governmental Affairs Committee largely on a party-line vote, but it should be noted that two Democratic members of the committee expressed concern about his qualifications when we were debating his nomination.

In fact, one of the Democrats who voted for the nomination said she was doing so to send the nomination to the floor, but that she wanted the committee to take a closer look at Mr. Borras's qualifications to make sure he had the management skills necessary to manage the Department of Homeland Security.

I wonder, did such a review ever occur? If it did, it did not include me even though I am the ranking member on the committee's Oversight of Government Management Subcommittee. I should have asked Senator AKAKA if he had ever been consulted, but a dime will get you a dollar that they didn't talk to him at all.

I wasn't a strong supporter in creating the Department of Homeland Security. Standing it up created real challenges, and those challenges remain. But the Department exists, and we owe it to the United States and our children and grandchildren to ensure that the Department is as good as it can be. I think we need to ask our President why he made this recess appointment when doubt existed on both sides of the aisle about Mr. Borras's qualifications. What was the stated reason for the appointment? Will somebody explain why the appointment was made?

I sat with the Secretary, and we talked about it. Never in all of my conversations did anyone come forward and say he should get the job; that he is qualified for the job. The fact that no one in the administration defended Mr. Borras or explained why they thought he was qualified to be a DHS Under Secretary for Management still remains a puzzlement to me. I think somebody owes it to me, to Senator

AKAKA, and to the Members of this Senate to explain why they put this man in this position under a recess appointment, particularly when we have an agency that, if we don't have the kind of attention given to it, will never be in a position where it can get off the high-risk list.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

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

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

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent to speak as in morning business.

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

Mr. BROWN of Ohio. Mr. President, I noticed the senior Senator from Ohio, my colleague, was in the Chamber, and I wanted to thank him publicly for his vote yesterday, joining with three other Republican Senators—Senators COLLINS, SNOWE, and BROWN, the new Senator from Massachusetts—in their vote to extend unemployment benefits.

There is simply no reason this shouldn't be bipartisan—this extension of unemployment benefits. It is not solving all our Nation's problems, but it certainly stimulates the economy. It is the best use of public dollars to help the economy because when we extend unemployment benefits, we pay unemployment benefits to a family in Ash-tabula or a family in Yellow Springs who ends up putting money into their community. They spend it at the local grocery store, the hardware store, or the department store. They are able to pay their property tax, which is money that goes to schools, and all of those things. So it clearly has a stimulative effect on the local economy.

Even more than that, it is what we owe to people who are working hard, playing by the rules, and who can't find a job. We don't call it unemployment welfare. We call it unemployment insurance. I think all of us on both sides of the aisle, even though 30 of my colleagues worked against passing this legislation to extend unemployment benefits to people who are now unemployed but who were employed, understand, though maybe we need to have a little more instruction around here, that when people are employed, they pay into the system as insurance. When they are unemployed, they get assistance from the government to keep bread on the table, to keep their families fed. It is a pretty simple concept, and it has worked well for us for decades.

I hear from my Republican colleagues who voted against the extension of unemployment benefits that the reason they did so is because it is not paid for and that it will blow a hole in the budget. I know the Presiding Officer, when he represented Boulder in his

congressional district in Colorado before he came to the Senate—he was down the hall from me, and he remembers, as I do the time when we opposed the war in Iraq, and the Republicans who supported it, all but, I believe, three in the House and one in the Senate didn't think then about paying for that war. They didn't think about what that meant in terms of cost to their children and grandchildren when they passed that.

We were both in the House, Senator UDALL of Colorado and myself, and they didn't think about the cost when we passed the Medicare giveaway to the drug and insurance companies, which Senator UDALL and I—then congressmen—opposed. They didn't say anything about paying for it in those days. They just added it to the credit card for our children and grandchildren.

When they gave tax cuts to the richest Americans—hundreds of billions of dollars over 10 years to the wealthiest Americans—that was just added to the credit card of the future.

It is only now they object to the cost, when it is unemployed workers—people whose lifestyle, people whose quality of life isn't close to the quality of life and the lifestyle and the standard of living that we enjoy, dressed like this, working in a place like this, this august body, with the privileges that surround us. It is only when we talk about people who have lost their jobs, who don't have privileges that we do now—and generally through no doing of their own, but simply because they lost their jobs because their company closed or they got laid off—that they object to the cost.

Most of these workers were efficient workers who did what their employer asked. Yet we are going to be so stingy as to deny them unemployment compensation.

It is not like they are sitting around with nothing to do and should be out working. I talked to dozens of people, as I am sure Senator UDALL, the Presiding Officer, has, talked to dozens of people who tell me they send out 10 or 15, sometimes 25, sometimes 50 resumes every week or so to try to get a job. Usually these resumes go unanswered and possibly barely even looked at because these companies are not even hiring.

It is a question of fairness. It is a question of good economics. It is a question, in some sense, of the privilege we enjoy here that they are denying even a shred of that same advantage, by refusing to extend their unemployment benefits and refusing to extend the assistance they could get for health care with the so-called COBRA program which allows them to keep the health insurance they had. It is at high cost—but not so prohibitively high a cost since we have been helping with that since the stimulus package and legislation I had written before the stimulus bill that included it in it that gave assistance to people who lost

their insurance when they signed up for COBRA to keep what they had.

I do not know what to think about their opposition. I hear them say it is about the budget deficit but I really wonder if it is because they didn't say it before when it was the tax cuts for the rich, the drug and insurance company giveaway, billions of taxpayer dollars, and the Iraq war. They never thought about paying for those things but they want to do it on the backs of unemployed workers. I do not get that.

Let me make it more personal. I have two letters today. I talked to a lady from Painesville, OH, east of Cleveland, in Lake County right along Lake Erie. She wrote and then I actually called her today and talked to her. Her name is Barbara. She said:

My son-in-law just got his last unemployment check. He has 2 kids, a \$1,000 house payment, car insurance, gas is \$3 a gallon, food bills, school clothes, school supplies, car maintenance.

She writes:

Oh yes, the kids like to eat. . . . They turn off the utilities when you do not pay them. . . . [P]lease vote to extend unemployment until jobs are available that pay more than minimum wage.

She goes on to write:

[We] need good paying jobs or unemployment right now. [My] daughter has bills she wants to pay.

She said:

[My] husband wants to work for money.

She said:

My kids don't want welfare.

Again, I think perhaps the Republicans who voted en masse—with the exception again of four courageous Republicans, including my seatmate, Senator VOINOVICH, the senior Senator from my State, including the two Maine Senators and the Massachusetts Senator—perhaps they do not understand the difference between welfare and unemployment insurance. I wish they would pay more attention so that they did. This is again unemployment insurance. These people are not taking welfare. These are people who earned it.

The second and last letter I will read—Janet from Toledo in northwest Ohio writes:

I have been working since I was 14. I am going on 65.

So Janet has worked 50 years or so.

I had to take early retirements and I am [at] risk of losing my home. . . . Thank the Lord I kept my car, but I can't afford much else like health insurance.

People like me are struggling. Giving unemployment . . . is giving money to people who have already earned it and paid into the system.

She is not asking for herself but she is asking for the many people she sees in Oregon, OH, and Wauseon and Bryan and Toledo and Sylvania and all over northwest Ohio, people who again, as most Americans, play by the rules, work hard and simply ask for a fair shake. They want this unemployment insurance available, payments available to them. It is not a lot of money.

It is not anything most of us would want to live on, on any kind of decent standard of living. It is enough to get them to pay their bills through the week, through the month, so their house will not be foreclosed on, so they can feed their children or whatever the basic needs of life are that are so important to them.

I again thank the four Republicans who joined the Democrats in extending this legislation. I hope we can move forward this week, pass this legislation and get it to the President so we can get on with the job of figuring out how to put more people to work in this country.

I spoke today, I did a conference call with several Ohio highway contractors to talk about what this meant to them, what we can do to get money so they can build more highways and bridges and water and sewer systems so they can help companies that want to expand do what they need to do to modernize and expand their plants so they can begin hiring people. That is our mission, extend unemployment benefits and figure out, working with the private sector, how we help them create jobs and get this economy back on track.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent the order with respect to H.R. 4851 and the Baucus amendment No. 3721 be modified to provide the vote on the motion to waive the Budget Act occur at 12:30 p.m., the additional time be divided as previously ordered, and the remaining provisions of the previous order still in effect.

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

MORNING BUSINESS

Mr. BROWN of Ohio. I ask unanimous consent the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

HEALTH CARE AND EDUCATION RECONCILIATION ACT OF 2010

SPIRITUAL AND RELIGIOUS CARE

Mr. KERRY. Mr. President, the recently enacted health reform law will extend quality, affordable health coverage to 32 million Americans and cover 95 percent of legal residents within the next decade.

Many Americans, including Christian Scientists, rely on provisions in current law that recognize spiritual care

as a medical expense eligible for a medical care tax deduction. Nothing in the recently enacted health reform law prevents insurance companies from covering care that is currently recognized by the Internal Revenue Service as eligible for a medical care tax deduction through health insurance plans in the exchanges. Further, the new health reform law does not reduce existing provisions in the law that recognize spiritual care.

As we work to implement comprehensive health reform, I believe it is important to ensure that the needs of Americans relying on religious and spiritual care are addressed. I know these views are shared by my colleagues, Chairman HARKIN and Senator SHERROD BROWN, and I look forward to continue working with them on this issue.

Mr. BROWN of Ohio. I would like to associate myself with the remarks of Senator KERRY. We share an interest in providing appropriate accommodation for spiritual and religious care in a reformed health insurance market.

No American should be left worse off as a result of health reform. Some spiritual care—including that which is provided by Christian Science practitioners and Christian Science nurses—has been covered by certain health insurance policies for decades.

For example, four plans under the Federal Employees Health Benefits Program cover religious nonmedical nursing care and/or Christian Science practitioner services. They are the Government Employees' Health Association, the Mail Handlers Benefit Plan, the Special Agents Mutual Benefit Association, and the Association Benefit Plan.

Religious nonmedical nursing services are also covered under the Medicare and Medicaid Programs—42 U.S.C. §1395x(ss) and §1395i-5. TRICARE covers care in Christian Science nursing facilities, private duty Christian Science nursing services, and Christian Science practitioner services (10 U.S.C. §1079(a)(4)). And under section 223 of the Internal Revenue Code, funds contained in a health savings account may be used to pay for spiritual care (26 U.S.C. § 223(d)(2)(A)).

I have an interest in identifying a statutory way to affirm that health insurance companies may still cover this mode of care as part of their policies.

Chairman HARKIN has shown great leadership throughout health reform.

Mr. HARKIN. I thank the Senator from Ohio. Nothing in health reform legislation would cut existing benefits or restrict the ability of private insurance carriers from covering spiritual care. Further, spiritual care will continue to be recognized as a medical expense eligible for a medical care tax deduction.

Mr. BROWN of Ohio. I thank the Senator for his assistance and look forward to working with him and Senator KERRY to ensure that appropriate protections for spiritual care are provided as health reform is implemented.

Mr. KERRY. I thank the Senator.

REMEMBERING CAPTAIN JOHN LONERGAN

Mr. LEAHY. Mr. President, it is with great pride that I bring to the attention of the Senate the bravery and sacrifice of a great American, CPT John Lonergan, who was awarded the Medal of Honor for gallantry at the Battle of Gettysburg during the Civil War. His memory will be commemorated on May 8, 2010, with the dedication of a monument in his hometown of Carrick on Suir, County Tipperary, Ireland.

Amid severe famine and the 1848 rebellion against British rule, the Lonergan family was forced to flee Ireland and made their way to Vermont. In 1862, as the American Civil War erupted, John Lonergan mobilized Company A of the 13th Vermont Volunteer Infantry Regiment, the so-called "Irish Company." His unit served 9 months of active duty in Virginia as part of the 2nd Vermont Brigade guarding the outer defenses of Washington, DC. As General Lee and General Grant maneuvered the armies of the South and North during the summer of 1863, Lonergan's Company A was sent on a forced march to Pennsylvania for what would be the Battle of Gettysburg.

On July 2, 1863, at Gettysburg, Lonergan, now a captain, and his company successfully recaptured a Union cannon lost to the rebels and took prisoner more than 80 Confederate soldiers. Captain Lonergan was later awarded the Medal of Honor for his leadership and gallantry during this battle. The next day, he led his company of Vermont soldiers in an attack against the right flank of a massive Confederate assault on Cemetery Ridge. Company A made an invaluable contribution to drive back the Confederate charge at a crucial moment in the Battle of Gettysburg.

After the War, Captain Lonergan worked to overcome existing prejudice against Americans of Irish descent by organizing the first public celebrations of St. Patrick's Day in Vermont. He never lost his love for Ireland, and he was apparently a passionate advocate for liberation from British rule. Captain Lonergan continued serving his new country as a U.S. Customs officer, assigned to duty in Montreal, Canada. He died in 1902 and was buried in Burlington, VT.

We Vermonters are proud to recognize the bravery of Captain Lonergan, those of Irish descent who fought alongside him, and the thousands of other Vermonters who fought in the Civil War. Vermont, per capita, had more of its sons die fighting in the Civil War than any other State.

For their service, bravery and sacrifice, we thank all of them, and all those who continue this proud tradition as they serve the Nation today in Afghanistan, Iraq and other outposts across the globe.

ADDITIONAL STATEMENTS

REMEMBERING JOAN MARJORIE KOCH STIVERS

• Mr. BUNNING. Mr. President, it is with great admiration and respect that I take this time to memorialize one of Kentucky's most outstanding citizens, Mrs. Joan Marjorie Koch Stivers.

Mrs. Stivers was born on June 19, 1921, in Greenfield, MA. After graduating from high school she attended Simmons College where she received a bachelor of science in dietetics. She then attended Harvard University where she received a master's degree in public health. After graduating from Harvard, Mrs. Stivers relocated to Manchester, KY, as a single young woman, upon taking a position with the Kentucky Public Health Department.

In 1948 she married Bertram Robert Stivers of Manchester, KY. Mr. Stivers would go on to serve Kentucky as a judge of the circuit court. Their marriage lasted 57 years and produced four children and numerous grandchildren. All of their four children are accomplished and include daughters Louise and Mary Beth, who have had outstanding careers in higher education, and one son Robert, who is a State senator and another, Franklin, who is an appellate judge.

However, Mrs. Stivers is perhaps best known for her service to Sue Bennett College, which she joined in 1957 as a faculty member. Her career at Sue Bennett spanned 34 years in which time Mrs. Stivers held numerous positions both inside and outside of the classroom. In addition to her teaching duties, Mrs. Stivers served the college as dean of women, dean of students, academic dean, and finally president of the college.

After her retirement, Mrs. Stivers remained active in the community. She volunteered at the Federal Correctional Institute in Manchester, was active in the Presbyterian Church, and served on the Cumberland Valley Area Development District Commission on Aging and on the Governor's Commission on Aging.

The life of Mrs. Stivers made a tremendous impact on both her local community and the entire Commonwealth of Kentucky. I am honored to bring her accomplishments to the attention of the Senate, and I wish to extend my heartfelt condolences to her friends and family.●

TRIBUTE TO FRANKIE MANNING

• Mrs. MURRAY. Mr. President, I would like to take a moment today to recognize Mrs. Frankie Manning of the VA Puget Sound Health Care System in Seattle, WA. After over 40 years of service in the U.S. Army and the Department of Veterans Affairs, Mrs. Manning is retiring from government service. A pioneer in championing the needs of women veterans, she helped

create the Women Veterans' Program for the Western Region in the 1980s. This program developed standards of care for women in the VA system and is still in place today. She was also instrumental in ensuring that the rural areas of our State received equal access and care from the VA system. My office worked closely with Mrs. Manning to establish the Veteran-Virtual Clinic in Port Angeles, a project that allows 3,000 veterans living on the Olympic Peninsula to access specialty care at the VA in Seattle.

Mrs. Manning has filled many roles within the VA system and served most recently as the nurse executive, overseeing the nursing operations at the Seattle and Tacoma facilities. Mrs. Manning also had a distinguished career in the U.S. Army Nurse Corps, spanning 23 years that included a deployment to Saudi Arabia during the Gulf war. Mrs. Manning retired from the Army with the rank of lieutenant colonel.

These decades of service to our country demonstrate a dedication to public service matched by few. Mrs. Manning worked tirelessly to ensure the men and women serving in our armed services received the best health care possible and that this care continued for the rest of their lives. I would like to thank Mrs. Manning for her years of service to our country and to the people of Washington State. Her career is a tremendous example of public service, and her commitment to our veterans is truly appreciated. I wish her all the best in her future endeavors and know that her many talents will be missed at the VA Puget Sound Health Care System.●

NOTIFICATION OF THE ISSUANCE OF AN EXECUTIVE ORDER BLOCKING THE PROPERTY OF CERTAIN PERSONS CONTRIBUTING TO THE CONFLICT IN SOMALIA—PM 50

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Consistent with subsection 204(b) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(b) (IEEPA), and section 301 of the National Emergencies Act, 50 U.S.C. 1631 (NEA), I hereby report that I have issued an Executive Order (the "order") blocking the property of certain persons contributing to the conflict in Somalia. In that order, I declared a national emergency to deal with the unusual and extraordinary threat to the national security and foreign policy of the United States posed by that conflict, as described below.

The United Nations Security Council, in Resolution 1844 of November 20, 2008,

reaffirmed its condemnation of all acts of violence in Somalia and incitement to violence inside Somalia, and expressed its concern at all acts intended to prevent or block a peaceful political process. United Nations Security Council Resolution (UNSCR) 1844 also expressed grave concern over the recent increase in acts of piracy and armed robbery at sea against vessels off the coast of Somalia, and noted the role piracy may play in financing violations of the arms embargo on Somalia imposed by UNSCR 733 of January 23, 1992. In UNSCR 1844, the United Nations Security Council determined that the situation in Somalia poses a threat to international peace and security in the region and called on member States to apply certain measures against persons responsible for the continuing conflict. The United Nations Security Council has continued to express grave concern about the crisis in Somalia in UNSCR 1846 of December 2, 2008, UNSCR 1851 of December 16, 2008, and UNSCR 1872 of May 26, 2009.

Pursuant to the IEEPA and the NEA, I have determined that the deterioration of the security situation and the persistence of violence in Somalia, and acts of piracy and armed robbery at sea off the coast of Somalia, constitute an unusual and extraordinary threat to the national security and foreign policy of the United States. The order declares a national emergency to deal with this threat.

The order is not targeted at the entire country of Somalia, but rather is intended to target those who threaten peace and stability in Somalia, who inhibit the delivery of humanitarian assistance to Somalia or the distribution of such assistance in Somalia, or who supply arms or related materiel in violation of the arms embargo. The order blocks the property and interests in property in the United States, or in the possession or control of United States persons, of the persons listed in the Annex to the order, as well as of any person determined by the Secretary of the Treasury, in consultation with the Secretary of State:

to have engaged in acts that directly or indirectly threaten the peace, security, or stability of Somalia, including but not limited to (1) acts that threaten the Djibouti Agreement of August 18, 2008, or the political process, or (2) acts that threaten the Transitional Federal Institutions, the African Union Mission in Somalia (AMISOM), or other international peacekeeping operations related to Somalia;

to have obstructed the delivery of humanitarian assistance to Somalia, or access to, or distribution of, humanitarian assistance in Somalia; or

to have directly or indirectly supplied, sold, or transferred to Somalia, or to have been the recipient in the territory of Somalia of, arms or any related materiel, or any technical advice, training, or assistance, including financing and financial assistance, related to military activities.

The designation criteria will be applied in accordance with applicable Federal law including, where appropriate, the First Amendment to the United States Constitution. The designation criteria will also be applied taking into consideration the arms embargo on Somalia imposed by UNSCR 733 of January 23, 1992, as elaborated upon and amended by subsequent resolutions.

The order also authorizes the Secretary of the Treasury, in consultation with the Secretary of State, to designate for blocking any person determined to have materially assisted, sponsored, or provided financial, material, logistical, or technical support for, or goods or services in support of, the activities described above or any person whose property and interests in property are blocked pursuant to the order. I determined that, among other threats to the peace, security, or stability of Somalia, acts of piracy or armed robbery at sea off the coast of Somalia threaten the peace, security, or stability of Somalia. I further authorized the Secretary of the Treasury, in consultation with the Secretary of State, to designate for blocking any person (defined as an individual or entity) determined to be owned or controlled by, or to have acted or purported to act for or on behalf of, directly or indirectly, any person whose property and interests in property are blocked pursuant to the order.

I delegated to the Secretary of the Treasury, in consultation with the Secretary of State, the authority to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA and the United Nations Participation Act, as may be necessary to carry out the purposes of the order. All executive agencies are directed to take all appropriate measures within their authority to carry out the provisions of the order.

The order, a copy of which is enclosed, became effective at 12:01 a.m. eastern daylight time on April 13, 2010.

BARACK OBAMA.

THE WHITE HOUSE, April 13, 2010.

MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT

ENROLLED BILL AND JOINT RESOLUTION SIGNED

Under the authority of the order of the Senate of January 6, 2009, the Secretary of the Senate, on March 31, 2010, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bill and joint resolution:

H.R. 4621. An act to protect the integrity of the constitutionally mandated United States census and prohibit deceptive mail practices that attempt to exploit the decennial census.

H.J. Res. 80. Joint resolution recognizing and honoring the Blinded Veterans Association on its 65th anniversary of representing blinded veterans and their families.

Under the authority of the order of the Senate of January 6, 2009, the enrolled bill and joint resolution were

signed on April 1, 2010, during the adjournment of the Senate by the President pro tempore (Mr. BYRD).

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

The PRESIDENT pro tempore (Mr. BYRD) announced that on Friday, March 26, 2010, he had signed the following enrolled bill, which was previously signed by the Speaker of the House:

H.R. 4938. An act to permit the use of previously appropriated funds to extend the Small Business Loan Guarantee Program, and for other purposes.

ENROLLED BILL SIGNED

The PRESIDENT pro tempore (Mr. BYRD) announced that on Friday, March 26, 2010, he had signed the following enrolled bill:

H.R. 4957. An act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 3194. A bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-5288. A communication from the Secretary of the Air Force, transmitting, pursuant to law, a report relative to the Average Procurement Unit Cost for the Wideband Global SATCOM (WGS) program satellites; to the Committee on Armed Services.

EC-5289. A communication from the Secretary of the Army, transmitting, pursuant to law, a report relative to the Average Procurement Unit Cost for the Advanced Threat Infrared Countermeasure and Common Missile Warning System (ATIRCM/CMWS) program; to the Committee on Armed Services.

EC-5290. A communication from the Assistant Secretary of the Navy (Financial Management and Comptroller), Department of Defense, transmitting, pursuant to law, a report relative to meals sold by messes for the United States Navy and Naval Auxiliary vessels; to the Committee on Armed Services.

EC-5291. A communication from the Assistant Secretary of the Army (Acquisition, Logistics and Technology), Department of Defense, transmitting, pursuant to law, a report relative to the Army's intent to enter into a contract in support of depot maintenance programs performed at Corpus Christi Army Depot, Texas, for the AH-64 and CH-47 Systems; to the Committee on Armed Services.

EC-5292. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled

"Potato Research and Promotion Plan" (Docket Nos. AMS-FV-09-0024; FV-09-706C) received during adjournment of the Senate in the Office of the President of the Senate on March 31, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5293. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency declared in Executive Order 13224 of September 23, 2001, with respect to persons who commit, threaten to commit, or support terrorism; to the Committee on Banking, Housing, and Urban Affairs.

EC-5294. A communication from the Chairman, Federal Financial Institutions Examination Council, transmitting, pursuant to law, the Council's 2009 Annual Report to Congress; to the Committee on Banking, Housing, and Urban Affairs.

EC-5295. A communication from the Chairman, Board of Governors of the Federal Reserve System, transmitting, pursuant to law, a report relative to the Buy American Act; to the Committee on Banking, Housing, and Urban Affairs.

EC-5296. A communication from the Deputy to the Chairman for Legal Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled "Transitional Safe Harbor Protection for Treatment by the Federal Deposit Insurance Corporation as Conservator or Receiver of Financial Assets Transferred by an Insured Depository Institution in Connection With a Securitization or Participation" (RIN3064-AD55) received during adjournment of the Senate in the Office of the President of the Senate on April 1, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-5297. A communication from the Assistant to the Board of Governors, Division of Consumer and Community Affairs, Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Electronic Fund Transfers" (FRS Docket No. R-1377) received in the Office of the President of the Senate on March 26, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-5298. A communication from the Assistant General Counsel for Legislation and Regulatory Law, Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Energy Conservation Program: Energy Conservation Standards for Small Electric Motors" (RIN1904-AB70) received during adjournment of the Senate in the Office of the President of the Senate on April 1, 2010; to the Committee on Energy and Natural Resources.

EC-5299. A communication from the Assistant Secretary for Fish and Wildlife Parks, National Wildlife Refuge Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Refuge Specific Regulations: Public Use; Kodiak National Wildlife Refuge" (RIN1018-AW15) as received during adjournment of the Senate in the Office of the President of the Senate on April 1, 2010; to the Committee on Environment and Public Works.

EC-5300. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Delegation of New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants for the State of Louisiana" (FRL No. 9137-2) received in the Office of the President of the Senate on April 12, 2010; to the Committee on Environment and Public Works.

EC-5301. A communication from the Director of the Regulatory Management Division,

Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Wyoming; Revisions to the Wyoming Air Quality Standards and Regulations; Direct Final Rule" (FRL No. 9136-6) received in the Office of the President of the Senate on April 12, 2010; to the Committee on Environment and Public Works.

EC-5302. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Striping Transactions for Qualified Tax Credit Bonds" (Notice No. 2010-28) received during adjournment of the Senate in the Office of the President of the Senate on March 31, 2010; to the Committee on Finance.

EC-5303. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "American Recovery and Reinvestment Tax Act of 2009 Clarifications" (Notice No. 2010-18) received during adjournment of the Senate in the Office of the President of the Senate on March 31, 2010; to the Committee on Finance.

EC-5304. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Issuance of Opinion and Advisory Letters and Opening of the EGTRRA Determination Letter Program for Pre-Approved Defined Benefit Plans" (Announcement 2010-20) received during adjournment of the Senate in the Office of the President of the Senate on March 31, 2010; to the Committee on Finance.

EC-5305. A communication from the Assistant Secretary of Legislative Affairs, U.S. Department of State, transmitting, pursuant to law, a report relative to the waiver of the restrictions contained in Section 907 of the FREEDOM Support Act of 1992; to the Committee on Foreign Relations.

EC-5306. A communication from the Assistant Secretary of Legislative Affairs, U.S. Department of State, transmitting, pursuant to law, a report relative to the withdrawal of certification granted to Mexico in relation to the incidental capture of sea turtles in commercial shrimping operations; to the Committee on Foreign Relations.

EC-5307. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a manufacturing license agreement for the export of defense articles, including, technical data, and defense services for the manufacture of Small Diameter Bomb Increment I (SDB I) Weapon System in Italy; to the Committee on Foreign Relations.

EC-5308. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the export of defense articles, including, technical data, and defense services for the continued manufacture of M791, M792, and M793 Ammunition and Components for sale to Turkey; to the Committee on Foreign Relations.

EC-5309. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the export of defense articles, including, technical data, and defense services for the manufacture of Combat Identification System Products, Subsystems, and

Ancillary Equipment for the Italian Ministry of Defense; to the Committee on Foreign Relations.

EC-5310. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the export of defense articles, including, technical data, and defense services to Israel for the manufacture of the Video Matrix Switch with Quad Processor (VMS-Q) in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-5311. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the export of defense articles, including, technical data, and defense services to support the Proton launch of the Astra 1N Commercial Communication Satellite from the Baikonur Cosmodrome in Kazakhstan in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-5312. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a technical assistance agreement for the export of defense articles, including, technical data, and defense services to develop, integrate, and manufacture the Integrated Color Display System for modernization of the Republic of China (Taiwan) Air Force Indigenous Defense Fighter in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-5313. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the export of defense articles, including, technical data, and defense services for the continued manufacture of the T55-L712 and 55-L714A engines powering the Japanese Ministry of Defense's CH-47J Helicopter in the amount of \$100,000,000 or more; to the Committee on Foreign Relations.

EC-5314. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to U.S. support for Taiwan's participation as an observer at the 63rd World Health Assembly and in the work of the World Health Organization; to the Committee on Foreign Relations.

EC-5315. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the justification for the President's waiver of the restrictions on the provision of funds to the Palestinian Authority; to the Committee on Foreign Relations.

EC-5316. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Federal Civil Penalties Inflation Adjustment Act—2009 Implementation" (RIN1625-AB40) received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-5317. A communication from the Assistant General Counsel for Regulatory Services, Office of Elementary and Secondary Education, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Race to the Top Fund" (RIN1810-AB10) received during adjournment of the Senate in the Office of the President of the

Senate on April 8, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-5318. A communication from the Acting Director, Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Allocation of Assets in Single-Employer Plans; Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" (29 CFR Parts 4022 and 4044) received during adjournment of the Senate in the Office of the President of the Senate on March 29, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-5319. A communication from the Deputy Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Listing of Color Additives Exempt From Certification; Bismuth Citrate" (Docket No. FDA-2008-C-0098) received during adjournment of the Senate in the Office of the President of the Senate on April 8, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-5320. A communication from the Deputy Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Advisory Committees; Technical Amendment" (Docket No. FDA-2010-N-0001) received during adjournment of the Senate in the Office of the President of the Senate on April 8, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-5321. A communication from the Deputy Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medical Devices; Technical Amendment" (Docket No. FDA-2010-N-0010) received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-5322. A communication from the Deputy Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Administrative Practices and Procedures; Good Guidance Practices; Technical Amendment" (Docket No. FDA-1999-N-3539) received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-5323. A communication from the Deputy Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "New Animal Drugs; Removal of Obsolete and Redundant Regulations" (Docket No. FDA-2003-N-0446) received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-5324. A communication from the Deputy Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Revision of Organization and Conforming Changes to Regulations" (Docket No. FDA-2010-N-0148) received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-5325. A communication from the Deputy Director of Regulations and Policy Man-

agement Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medical Devices; Pediatric Uses of Devices; Requirement for Submission of Information on Pediatric Subpopulations That Suffer From a Disease or Condition That a Device is Intended to Treat, Diagnose, or Cure; Direct Final Rule" (Docket No. FDA-2009-N-0458) received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-5326. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers from the Nevada Test Site, Mercury, Nevada, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC-5327. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers from the Lawrence Livermore National Laboratory, Livermore, California, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC-5328. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers from the Lawrence Berkeley National Laboratory in Berkeley, California, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC-5329. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers from the Westinghouse Electric Corp., Bloomfield, Illinois, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC-5330. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers from the Area IV of Santa Susana Field, Santa Susana, California, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC-5331. A communication from the Director of the Office of Standards, Regulations, and Variances, Mine Safety and Health Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "High-Voltage Continuous Mining Machine Standard for Underground Coal Miners" (RIN1219-AB34) received in the Office of the President of the Senate on April 12, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-5332. A communication from the Director of the Office of Standards, Regulations, and Variances, Mine Safety and Health Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Coal Mine Dust Sampling Devices" (RIN1219-AB61) received in the Office of the President of the Senate on April 12, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-5333. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-329, "Service Animal Amendment Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-5334. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-330, "Uniform Interstate Depositions and Discovery Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-5335. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report

on D.C. Act 18-331, "Closing of a Portion of an Unimproved Public Alley in Square 5795, S.O. 08-7766, Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KERRY, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 409. A resolution calling on members of the Parliament in Uganda to reject the proposed "Anti-Homosexuality Bill", and for other purposes.

By Mr. KERRY, from the Committee on Foreign Relations, with an amendment in the nature of a substitute and with an amended preamble:

S. Res. 446. A resolution commemorating the 40th anniversary of the Treaty on the Non-Proliferation of Nuclear Weapons.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. KERRY for the Committee on Foreign Relations.

*Carolyn Hessler Radelet, of the District of Columbia, to be Deputy Director of the Peace Corps.

*Elizabeth L. Littlefield, of the District of Columbia, to be President of the Overseas Private Investment Corporation.

*Lana Pollack, of Michigan, to be a Commissioner on the part of the United States on the International Joint Commission, United States and Canada.

*Victor H. Ashe, of Tennessee, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2010.

*Walter Isaacson, of Louisiana, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2012.

*Walter Isaacson, of Louisiana, to be Chairman of the Broadcasting Board of Governors.

*Michael Lynton, of California, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2012.

*Susan McCue, of Virginia, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2011.

*Dennis Mulhaupt, of California, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2011.

*S. Enders Wimbush, of Virginia, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2010.

*Bisa Williams, of New Jersey, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Niger.

Nominee: Bisa Williams.

Post: Ambassador to Niger.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, donee:

1. Self: \$1,505, 2008, Barack Obama.

2. Spouse: N/A.

3. Children and Spouses: Michael Stephen Manigault, Jr., N/A.

4. Parents: Paul Towbin Williams, M.D.—deceased, N/A; Eloise Owens Williams—deceased, N/A.

5. Grandparents: Frank E. Owens—deceased, N/A; Viola B. Owens—deceased, N/A; Charles C. Williams—deceased, N/A; Mrs. Ida B. Williams—deceased, N/A.

6. Brothers and Spouses: Paul T. Williams, Jr., \$2,300, 2008, Hillary R. Clinton; Ammie Felder-Williams, \$2,200, 2008, Hillary R. Clinton.

7. Sisters and Spouses: Ntozake Shange, N/A; Ifa Bayeza, N/A.

*Raul Yzaguirre, of Maryland, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Dominican Republic.

Nominee: Raul Yzaguirre.

Post: Dominican Republic.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, donee, amount, and date:

Self: Hillary for President, \$1,500, 2/2008; Rick Noriega for Senate (TX), \$1,000, 11/2008; Democratic Senatorial Committee, \$1,000, 5/2009; Gil Cedillo for Congress (CA), \$500, 6/2007; Bill Winter for Congress (CO), \$250, 10/2006; Ciro Rodriguez, \$250, 02/02/2006.

2. Spouse: N/A.

3. Children and Spouses: N/A.

4. Parents: N/A.

5. Grandparents: N/A.

6. Brothers and Spouses: N/A.

7. Sisters and Spouses: N/A.

*Theodore Sedgwick, of Virginia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Slovak Republic.

Nominee: Theodore Sedgwick.

Post: Ambassador to Slovak Republic.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date and donee:

1. Theodore Sedgwick: \$1,000, 2006, Harold Ford Jr. for US Senate; \$1,000, 2006, Harris N. Miller, Miller for US Senate; \$1,000, 2006, Heath Shuler for Congress; \$2,100, 2006, James Webb for US Senate; \$1,000, 2006, Leonard C. Boswell, Boswell for Congress; \$1,000, 2006, Forward Together South Carolina; \$500, 2006, Maria Cantwell for US Senate; \$5,000, 2006, Mark Warner, Forward Together PAC; \$5,000, 2006, New Democrat Network; \$1,000, 2006, Phil Kellam for Congress; \$1,000, 2006, Sheldon Whitehouse for Congress; \$1,000, 2007, Chellie N. Pingree for Congress; \$4,600, 2007, Obama For America; \$4,500, 2007, Dem Senatorial Campaign Committee; \$2,500, 2007, Democratic Congressional Campaign Committee; \$500, 2007, Democratic Leadership Council; \$1,000, 2007, Friends of Jim Clyburn—US Congress; \$4,600, 2007, Friends of Mark Warner, US Senate; \$4,600, 2007, Friends of US Senator Mary Landrieu; \$4,600, 2007, James Webb for US Senate; \$5,000, 2007, New Democrat Network; \$1,000, 2007, Tennessee Democratic Party; \$5,000, 2008, Committee for Change—Per FEC website, Recipients include: \$657, Democratic Executive Committee of FL, \$221, Colorado Democratic Party, \$329, Missouri Democratic State Committee, \$443, North Carolina Democratic Party, \$606, Ohio Democratic Party, \$368, Democratic Party of Virginia, \$347, Georgia Federal Elections Committee, \$323, Indiana Democratic Congressional, Victory Committee, \$583, Pennsylvania Democratic Party; \$1,000, 2008, Democratic Senatorial Campaign Committee; \$28,500, 2008,

Democratic National Committee; \$2,100, 2008, Democratic Party of Virginia; \$2,300, 2008, Ethan Berkowitz, Berkowitz for Congress; \$1,000, 2008, Hillary Clinton for Pres; \$350, 2008, Joint Action Committee for Political Affairs; \$1,000, 2008, Tennessee Democratic Party; \$1,000, 2008, Udall for Colorado; \$100, 2009, Al Franken for US Senate, MN; \$1,000, 2009, Democracy In Action now called Wired for Change; \$17,700, 2009, Democratic National Committee (\$489) Michigan Democratic State Central Committee was partial recipient per FEC; \$1,000, 2009, Friends of Mark Warner.

2. Kate Sedgwick (Spouse): \$5,000, 2006, Mark Warner, Forward Together PAC; \$2,300, 2007, Obama For America; \$4,600, 2007, Friends of Mark Warner.

3. Caroline Sedgwick (Daughter): \$2,300, 2007, Barack Obama, Obama for America.

Elizabeth Brunson (Daughter): \$2,500, 2006, Forward Together PAC (Mark Warner); \$2,300, 2007, Barack Obama, Obama for America.

Stuart Brunson (Son-in-Law): \$250, 2006, Heath Shuler for Congress; \$2,500, 2006, Forward Together PAC; \$1,000, 2007, Tennessee Democratic Party; \$1,000, 2008, Tennessee Democratic Party; \$1,000, 2008, Robert Tukey for US Senate; \$1,000, 2009, Roy Herron for Congress, TN.

Elizabeth Sedgwick (Mother): \$1,000, 2006, Robert N. Shamansky for Congress; \$5,000, 2006, Mark R. Warner, Forward Together PAC; \$2,300, 2007, Barack Obama, Obama for America; \$28,500, 2008, Barack Obama, Obama Victory Fund; \$26,200, 2008, Democratic National Committee; \$2,300, 2008, Barack Obama, Obama for America.

Grandparents: (N/A).

Ellery Sedgwick (Brother): \$1,000, 2006, Mark R. Warner, Forward Together PAC; \$1,000, 2007, Barack Obama, Obama for America; \$1,300, 2008, Barack Obama, Obama for America; \$1,000, 2008, Thomas Stuart Price Perriello for Congress.

Walter Sedgwick (Brother): \$2,500, 2006, Democratic Congressional Campaign Committee; \$1,000, 2007, Democratic Congressional Campaign Committee; \$1,000, 2007, William G. Shafroth, Shafroth for Congress; \$1,000, 2007, Democratic Senatorial Campaign Committee; \$2,300, 2008, Barack Obama, Obama for America; \$2,000, 2008, Democratic Senatorial Campaign Committee; \$500, 2008, Charles Brown, Brown for Congress; \$250, 2008, Darcy Burner, Burner for Congress; \$2,500, 2008, Democratic Congressional Campaign Committee; \$2,400, 2009, Harry Reid for Senate.

Jeanne Sedgwick (Sister-in-Law): \$1,000, 2005, Evan Bayh, Evan Bayh Committee; \$2,300, 2008, Barack Obama, Obama for America; \$2,400, 2009, Harry Reid for Senate.

Irene Briedis (Sister): \$600, 2006, Democratic Congressional Campaign Committee; \$250, 2006, Democratic Senatorial Campaign Committee; \$2,100, 2007, Barack Obama, Obama for America; \$250, 2007, Democratic Senatorial Campaign Committee; \$2,300, 2008, Barack Obama, Obama for America; \$250, 2009, Democratic Senatorial Campaign Committee.

*Robert Stephen Ford, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Syrian Arab Republic.

Nominee: Robert S. Ford.

Post: U.S. Embassy, Damascus, Syria.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self.
2. Spouse: Clare Alison Barkley: none.
3. Children and Spouses: none.
4. Parents: William Jack Ford: none; Marian Ford: none.
5. Grandparents: deceased.
6. Brothers and Spouses: William E. Ford: none; Brian J. Ford: none.
7. Sisters and Spouses: none.

Mr. KERRY. Mr. President, for the Committee on Foreign Relations I report favorably the following nomination list which was printed in the RECORD on the date indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that this nomination lie at the Secretary's desk for the information of Senators.

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

*Foreign Service nominations beginning with Karen L. Zens and ending with Richard Steffens, which nominations were received by the Senate and appeared in the Congressional Record on January 26, 2010.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

ADDITIONAL COSPONSORS

S. 211

At the request of Mrs. MURRAY, the names of the Senator from Delaware (Mr. CARPER) and the Senator from Colorado (Mr. UDALL) were added as cosponsors of S. 211, a bill to facilitate nationwide availability of 2-1-1 telephone service for information and referral on human services and volunteer services, and for other purposes.

S. 362

At the request of Mr. ROCKEFELLER, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 362, a bill to amend title 38, United States Code, to improve the collective bargaining rights and procedures for review of adverse actions of certain employees of the Department of Veterans Affairs, and for other purposes.

S. 435

At the request of Mr. CASEY, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 435, a bill to provide for evidence-based and promising practices related to juvenile delinquency and criminal street gang activity prevention and intervention to help build individual, family, and community strength and resiliency to ensure that youth lead productive, safe, healthy, gang-free, and law-abiding lives.

S. 450

At the request of Mr. BAUCUS, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 450, a bill to understand and comprehensively address the oral health problems associated with methamphetamine use.

S. 535

At the request of Mr. NELSON of Florida, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 535, a bill to amend title 10, United States Code, to repeal requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation, and for other purposes.

S. 732

At the request of Mr. AKAKA, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 732, a bill to amend the National Dam Safety Program Act to establish a program to provide grant assistance to States for the rehabilitation and repair of deficient dams.

S. 753

At the request of Mr. SCHUMER, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 753, a bill to prohibit the manufacture, sale, or distribution in commerce of children's food and beverage containers composed of bisphenol A, and for other purposes.

S. 781

At the request of Mr. SPECTER, his name was added as a cosponsor of S. 781, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 1233

At the request of Ms. LANDRIEU, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1233, a bill to reauthorize and improve the SBIR and STTR programs and for other purposes.

S. 1275

At the request of Mr. WARNER, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1275, a bill to establish a National Foundation on Physical Fitness and Sports to carry out activities to support and supplement the mission of the President's Council on Physical Fitness and Sports.

S. 1352

At the request of Mr. DODD, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1352, a bill to provide for the expansion of Federal efforts concerning the prevention, education, treatment, and research activities related to Lyme and other tick-borne diseases, including the establishment of a Tick-Borne Diseases Advisory Committee.

S. 1382

At the request of Mr. DODD, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1382, a bill to improve and expand the Peace Corps for the 21st century, and for other purposes.

S. 1492

At the request of Ms. MIKULSKI, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 1492, a bill to amend the Public

Health Service Act to fund breakthroughs in Alzheimer's disease research while providing more help to caregivers and increasing public education about prevention.

S. 1789

At the request of Mr. DURBIN, the names of the Senator from Alabama (Mr. SESSIONS), the Senator from Utah (Mr. HATCH), the Senator from South Carolina (Mr. GRAHAM) and the Senator from Oklahoma (Mr. COBURN) were added as cosponsors of S. 1789, a bill to restore fairness to Federal cocaine sentencing.

S. 1939

At the request of Mrs. GILLIBRAND, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1939, a bill to amend title 38, United States Code, to clarify presumptions relating to the exposure of certain veterans who served in the vicinity of the Republic of Vietnam, and for other purposes.

S. 2962

At the request of Mr. DODD, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2962, a bill to amend title II of the Social Security Act to apply an earnings test in determining the amount of monthly insurance benefits for individuals entitled to disability insurance benefits based on blindness.

S. 2989

At the request of Ms. LANDRIEU, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 2989, a bill to improve the Small Business Act, and for other purposes.

S. 3039

At the request of Mr. UDALL of New Mexico, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 3039, a bill to prevent drunk driving injuries and fatalities, and for other purposes.

S. 3068

At the request of Mrs. HUTCHISON, the name of the Senator from Florida (Mr. LEMIEUX) was added as a cosponsor of S. 3068, a bill to reauthorize the National Aeronautics and Space Administration Human Space Flight Activities, and for other purposes.

S. 3122

At the request of Mr. ENSIGN, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 3122, a bill to require the Attorney General of the United States to compile, and make publicly available, certain data relating to the Equal Access to Justice Act, and for other purposes.

S. 3165

At the request of Ms. LANDRIEU, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 3165, a bill to authorize the Administrator of the Small Business Administration to waive the non-Federal share requirement under certain programs.

S. 3180

At the request of Mr. LEMIEUX, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 3180, a bill to prohibit the use of funds for the termination of the Constellation Program of the National Aeronautics and Space Administration, and for other purposes.

S. RES. 477

At the request of Mr. MENENDEZ, the names of the Senator from Wisconsin (Mr. FEINGOLD), the Senator from California (Mrs. FEINSTEIN), the Senator from Vermont (Mr. LEAHY) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of S. Res. 477, a resolution honoring the accomplishments and legacy of Cesar Estrada Chavez.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KAUFMAN (for himself, Mr. VOINOVICH, Mr. AKAKA, and Mr. LIEBERMAN):

S. 3196. A bill to amend the Presidential Transition Act of 1963 to provide that certain transition services shall be available to eligible candidates before the general election; to the Committee on Homeland Security and Governmental Affairs.

Mr. KAUFMAN. Mr. President, I rise to discuss a bill I am introducing today, the Pre-Election Presidential Transition Act of 2010, bipartisan legislation that concerns both our national security and America's democratic institutions.

I am proud to be joined by my colleague from Ohio, Senator VOINOVICH in introducing this bill. I also want to thank our cosponsors, Chairman AKAKA of the Oversight of Government Management Subcommittee as well as Chairman LIEBERMAN of the Homeland Security and Governmental Affairs Committee.

I am appreciative of their support and for their input while drafting this bill.

I also would like to thank the Partnership for Public Service, a leading nonpartisan, nonprofit organization in the area of government accountability and reform. Their recent "Ready to Govern" report on the 2008-2009 transition made a number of important recommendations that are included in our bill.

As the strong, bipartisan support for this bill demonstrates, this is not a political issue.

After the attacks of September 11, we face new security challenges that require close cooperation between outgoing and incoming administrations, and the recent economic crisis underscores the importance of a smooth handoff on domestic policy as well.

This was highlighted in a recent article by Martha Kumar, a respected political scientist at Towson University and Director of the nonpartisan White House Transition Project. As Professor Kumar recounts in her December 2009

article in Presidential Studies Quarterly, a threat to President Obama's inauguration brought together the incoming and outgoing senior national security personnel in the White House Situation Room the morning of his swearing-in.

In the hours before then-President-elect Obama was to take office, intelligence sources had indicated a possible plot to attack the National Mall during the ceremony. Thankfully, this threat proved a false alarm.

But, as Kumar explains, that Situation Room meeting between advisers to President Bush and President-elect Obama was a powerful example of why transition planning is so important.

In their meeting that morning, those on both sides worked well together as a team. This was so because they had met frequently in the weeks beforehand and had undergone joint emergency preparedness exercises together.

This occurred in no small part because the administration of former President George W. Bush made it a high priority. The former President and his White House staff deserve great credit for their work during their final months in office. By appointing his chief of staff, Joshua Bolton, as his transition point-person and convening a formal Transition Coordinating Council, President Bush created a successful model for a 21st century transfer of power.

Presidential inaugurations have always been moments of celebration for Americans, as we reaffirm the elective nature of our government. But they also represent moments of potential vulnerability.

In the earliest years of our history, that vulnerability inhabited the untested nature of our institutions. In an era when elected government was rare, the transition from one executive administration to another, particularly those between parties, brought fears of political or social unrest.

The primary example of such a transition remains that from the administration of John Adams to that of Thomas Jefferson, the first between opponents of different parties to contest the Presidency.

The peaceful nature of the 1801 transition came as a welcome surprise to some. The early American writer and novelist, Margaret Bayard Smith, whose brother, James Bayard, held the Senate seat from Delaware I now occupy, attended that inauguration. In a letter to her daughter, she described it thus:

I have this morning witnessed one of the most interesting scenes a free people can ever witness. The changes of administration, which in every government and in every age have most generally been epochs of confusion, villainy, and bloodshed, in this our happy country take place without any species of distraction or disorder.

It is also notable that the greatest political crisis in our history occurred during the period between election day in November 1860 and Abraham Lin-

coln's inauguration the following March. The States that seceded did so amid a palpable uncertainty of national leadership.

Today, however, our concern is less with political stability than with national security.

During the Cold War, when fears of a power vacuum caused a renewed focus on continuity of government, Congress passed the Presidential Transition Act of 1963. It formalized several important elements of a successful transition, including public funds for transition staff, use of office space and equipment from the General Services Administration, reimbursement for travel by the President-elect and Vice President-elect, and their use of franked mail. It was amended in 1998 to permit the President-elect and Vice President-elect to supplement public transition funding with private donations and laid out requirements for disclosing their sources.

In 2004, Congress took an important step by including provisions in the Intelligence Reform and Terrorism Prevention Act that allow transition personnel to request FBI background checks for potential appointees. This helps ensure that, on January 20 when the new President is sworn in, the most critical national security positions are immediately filled.

While some aspects of a successful Presidential transition process have been formalized by these acts, much of what has become necessary for a safe and smooth transition is still left to chance.

Fortune favors the prepared.

We were very lucky that the first transition of the post-September 11 era was carried out smoothly and with great preparation by both the outgoing and incoming administrations.

As I said a few moments ago, we owe great thanks to former President Bush for making this a priority and committing staff and resources to the process.

I also commend those who worked on both the Obama transition team as well as those from Senator MCCAIN's campaign who engaged in some transition planning before election day.

Most importantly, our bill will go a long way in removing the stigma that has historically caused candidates to hide or even delay important transition planning until after election day.

We all recognize that the first priority of any Presidential campaign is to win the election. I certainly understand why, in the past, candidates have been wary of revealing that they have engaged in pre-election transition planning.

But we cannot afford to lose critical planning time because of fears that a candidate might be accused by a rival of "measuring the drapes" prematurely. We must also ensure that incumbents make the necessary preparations in case they lose bids for reelection.

Candidate transition planning is an act of responsibility, not presumptuousness.

With the security and domestic policy challenges we face today, it must become the norm for any major party nominee to begin making arrangements for a transition long before election day.

The bill my colleagues and I are introducing will both formalize many of the recent transition's successes and provide additional resources to help nominees begin their transition efforts earlier.

The Pre-Election Presidential Transition Act of 2010 encourages eligible Presidential candidates to accept transition office space and a broad array of services from the General Services Administration immediately after their nominating conventions.

Presently, candidates must wait until after election day before these resources become available. We know that this is too late, since both campaigns in 2008, and others in recent years, began informal transition planning months in advance.

Under our bill, salaries for candidates' transition staff, travel expenses, and allowances are funded exclusively by separate funds raised by their campaigns prior to the election.

Eligible candidates would be authorized to set up a separate account to support these activities. They would be able to transfer money from their campaign accounts into this transition account as well as raise funds separately.

Those candidates eligible to receive GSA-provided services and access to facilities include major party candidates. Third-party candidates would be eligible if they met the same criteria used by the Commission on Presidential Debates to participate in general election debates.

The GSA would distribute to candidates a report on modern transitions, including a bibliography of resources. This report would also be released to the public and posted on the Internet to educate the press and public on the importance of early transition planning.

Of course, under the bill services and information to candidates would be provided on an equal basis and without regard to political affiliation, and they would have to be used only for transition purposes.

Because a transition depends on the careful attention of those both preparing to assume power and those leaving it, our bill also authorizes appropriations for the outgoing administration to use in planning and coordinating transition activities across departments and agencies. It recommends adopting the Bush model of a transition coordinating council, staffed by both outgoing appointees and career managers from each agency. This council would meet regularly with representatives from the major nominees and update them on transition matters.

The bill also encourages the outgoing administration to prepare comprehensive briefing materials for incoming of-

ficials on a range of issues and potential areas of concern.

My colleagues and I approach this as pragmatists, and our goal is not to tie the hands of an administration. It is to inspire responsible preparation. This bill is not about telling an outgoing President what to do; rather, it lays out a strongly suggested model for how to do the right thing.

The only new requirement it sets for the outgoing President is the submission of two reports to Congress in the months before election day describing the activities being undertaken to prepare for the transfer of power.

But the model it suggests has worked and can serve as a blueprint for transitions to come.

My first job in politics after JOE BIDEN was elected to the Senate in 1972 was to help him set up his Senate office in Delaware. My last job, before I was appointed to his Senate seat was as co-chair of his Vice Presidential Transition Team.

I can tell you from experience, setting up a Senate office is tough, but it is nothing like setting up a White House.

I was there in the room when then-President-elect Obama and Vice President-elect Biden convened their first transition meetings right after election day. I cannot stress more forcefully how important it was in those meetings that the Obama-Biden transition had begun much earlier.

There simply is not enough time between November and January to get everything done that needs to be done.

These are the reasons why I hope my colleagues will join us in supporting this legislation to make our presidential transitions smoother and safer.

We cannot afford to leave something this important to chance.

Again, I want to thank my friend and colleague from Ohio, Senator VOINOVICH, for his help in pulling this bill together as well as Senators AKAKA and LIEBERMAN for their support and leadership.

I look forward to working with them on the Homeland Security and Governmental Affairs Committee to move this measure through the Congress.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3196

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Pre-Election Presidential Transition Act of 2010".

SEC. 2. CERTAIN PRESIDENTIAL TRANSITION SERVICES MAY BE PROVIDED TO ELIGIBLE CANDIDATES BEFORE GENERAL ELECTION.

(a) IN GENERAL.—Section 3 of the Presidential Transition Act of 1963 (3 U.S.C. 102 note) is amended by adding at the end the following new subsection:

"(b)(1)(A) In the case of an eligible candidate, the Administrator—

"(i) shall notify the candidate of the candidate's right to receive the services and facilities described in paragraph (2) and shall provide with such notice a description of the nature and scope of each such service and facility; and

"(ii) upon notification by the candidate of which such services and facilities such candidate will accept, shall, notwithstanding subsection (b), provide such services and facilities to the candidate during the period beginning on the date of the notification and ending on the date of the general elections described in subsection (b)(1).

The Administrator shall also notify the candidate of the services provided under sections 7601(c) and 8403(b) of the Intelligence Reform and Terrorism Prevention Act of 2004.

"(B) The Administrator shall provide the notice under subparagraph (A)(i) to each eligible candidate—

"(i) in the case of a candidate of a major party (as defined in section 9002(6) of the Internal Revenue Code of 1986), on one of the first 3 business days following the last nominating convention for such major parties; and

"(ii) in the case of any other candidate, as soon as practicable after an individual becomes an eligible candidate (or, if later, at the same time as notice is provided under clause (i)).

"(C)(i) The Administrator shall, not later than January 1 of 2012 and of every 4th year thereafter, prepare a report summarizing modern presidential transition activities, including a bibliography of relevant resources.

"(ii) The Administrator shall promptly make the report under clause (i) generally available to the public (including through electronic means) and shall include such report with the notice provided to each eligible candidate under subparagraph (A)(i).

"(2)(A) Except as provided in subparagraph (B), the services and facilities described in this paragraph are the services and facilities described in subsection (a) (other than paragraphs (2), (3), (4), and (7) thereof), but only to the extent that the use of the services and facilities is for use in connection with the eligible candidate's preparations for the assumption of official duties as President or Vice-President.

"(B) The Administrator—

"(i) shall determine the location of any office space provided to an eligible candidate under this subsection;

"(ii) shall, as appropriate, ensure that any computers or communications services provided to an eligible candidate under this subsection are secure;

"(iii) shall offer information and other assistance to eligible candidates on an equal basis and without regard to political affiliation; and

"(iv) may modify the scope of any services to be provided under this subsection to reflect that the services are provided to eligible candidates rather than the President-elect or Vice-President-elect, except that any such modification must apply to all eligible candidates.

"(C) An eligible candidate, or any person on behalf of the candidate, shall not use any services or facilities provided under this subsection other than for the purposes described in subparagraph (A), and the candidate or the candidate's campaign shall reimburse the Administrator for any unauthorized use of such services or facilities.

"(3)(A) Notwithstanding any other provision of law, an eligible candidate may establish a separate fund for the payment of expenditures in connection with the eligible candidate's preparations for the assumption of official duties as President or Vice-President, including expenditures in connection

with any services or facilities provided under this subsection (whether before such services or facilities are available under this section or to supplement such services or facilities when so provided). Such fund shall be established and maintained in such manner as to qualify such fund for purposes of section 501(c)(4) of the Internal Revenue Code of 1986.

“(B)(i) The eligible candidate may—

“(I) transfer to any separate fund established under subparagraph (A) contributions (within the meaning of section 301(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8))) the candidate received for the general election for President or Vice-President or payments from the Presidential Election Campaign Fund under chapter 95 of the Internal Revenue Code of 1986 the candidate received for the general election; and

“(II) solicit and accept amounts for receipt by such separate fund.

“(ii) Any expenditures from the separate fund that are made from such contributions or payments described in clause (i)(I) shall be treated as expenditures (within the meaning of section 301(9) of such Act (2 U.S.C. 431(9))) or qualified campaign expenses (within the meaning of section 9002(11) of such Code), whichever is applicable.

“(iii) An eligible candidate establishing a separate fund under subparagraph (A) shall (as a condition for receiving services and facilities described in paragraph (2)) comply with all requirements and limitations of section 5 in soliciting or expending amounts in the same manner as the President-elect or Vice-President-elect, including reporting on the transfer and expenditure of amounts described in subparagraph (B)(i) in the disclosures required by section 5.

“(4)(A) In this subsection, the term ‘eligible candidate’ means, with respect to any presidential election (as defined in section 9002(10) of the Internal Revenue Code of 1986)—

“(i) a candidate of a major party (as defined in section 9002(6) of such Code) for President or Vice-President of the United States; and

“(ii) any other candidate who has been determined by the Administrator to be among the principle contenders for the general election to such offices.

“(B) In making a determination under subparagraph (A)(ii), the Administrator shall—

“(i) ensure that any candidate determined to be an eligible candidate under such subparagraph—

“(I) meets the requirements described in Article II, Section 1, of the United States Constitution for eligibility to the office of President;

“(II) has qualified to have his or her name appear on the ballots of a sufficient number of States such that the total number of electors appointed in those States is greater than 50 percent of the total number of electors appointed in all of the States; and

“(III) has demonstrated a significant level of public support in national public opinion polls, so as to be realistically considered among the principal contenders for President or Vice-President of the United States; and

“(ii) consider whether other national organizations have recognized the candidate as being among the principal contenders for the general election to such offices, including whether the Commission on Presidential Debates has determined that the candidate is eligible to participate in the candidate debates for the general election to such offices.”.

(b) ADMINISTRATOR REQUIRED TO PROVIDE TECHNOLOGY COORDINATION UPON REQUEST.—Section 3(a)(10) of the Presidential Transition Act of 1963 (3 U.S.C. 102 note) is amended to read as follows:

“(10) Notwithstanding subsection (b), consultation by the Administrator with any President-elect, Vice-President-elect, or eligible candidate (as defined in subsection (h)(4)) to develop a systems architecture plan for the computer and communications systems of the candidate to coordinate a transition to Federal systems if the candidate is elected.”.

(c) COORDINATION WITH OTHER TRANSITION SERVICES.—

(1) SECURITY CLEARANCES.—Section 7601(c) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 435b note) is amended—

(A) by striking paragraph (1) and inserting:

“(1) DEFINITION.—In this section, the term ‘eligible candidate’ has the meaning given such term by section 3(h)(4) of the Presidential Transition Act of 1963 (3 U.S.C. 102 note).”, and

(B) by striking “major party candidate” in paragraph (2) and inserting “eligible candidate”.

(2) PRESIDENTIALLY APPOINTED POSITIONS.—Section 8403(b)(2)(B) of such Act (5 U.S.C. 1101 note) is amended to read as follows:

“(B) OTHER CANDIDATES.—After making transmittals under subparagraph (B), the Office of Personnel Management shall transmit such electronic record to any other candidate for President who is an eligible candidate described in section 3(h)(4)(B) of the Presidential Transition Act of 1963 (3 U.S.C. 102 note) and may transmit such electronic record to any other candidate for President.”.

(d) CONFORMING AMENDMENTS.—Section 3 of the Presidential Transition Act of 1963 (3 U.S.C. 102 note) is amended—

(1) in subsection (a)(8)(B), by striking “President-elect” and inserting “President-elect or eligible candidate (as defined in subsection (h)(4)) for President”; and

(2) in subsection (e), by inserting “, or eligible candidate (as defined in subsection (h)(4)) for President or Vice-President,” before “may designate”.

SEC. 3. AUTHORIZATION OF TRANSITION ACTIVITIES BY THE OUTGOING ADMINISTRATION.

(a) IN GENERAL.—The President of the United States, or the President's delegate, may take such actions as the President determines necessary and appropriate to plan and coordinate activities by the Executive branch of the Federal Government to facilitate an efficient transfer of power to a successor President, including—

(1) the establishment and operation of a transition coordinating council comprised of—

(A) high-level officials of the Executive branch selected by the President, which may include the Chief of Staff to the President, any Cabinet officer, the Director of the Office of Management and Budget, the Administrator of the General Services Administration, and the Director of the Office of Personnel Management; and

(B) any other persons the President determines appropriate;

(2) the establishment and operation of an agency transition directors council which includes career employees designated to lead transition efforts within Executive Departments or agencies;

(3) the development of guidance to Executive Departments and agencies regarding briefing materials for an incoming administration, and the development of such materials; and

(4) the development of computer software, publications, contingency plans, issue memoranda, memoranda of understanding, training and exercises (including crisis training and exercises), programs, lessons learned from previous transitions, and other items

appropriate for improving the effectiveness and efficiency of a Presidential transition that may be disseminated to eligible candidates (as defined in section 3(h)(4) of the Presidential Transition Act of 1963, as added by section 2(a)) and to the President-elect and Vice-President-elect.

Any information and other assistance to eligible candidates under this subsection shall be offered on an equal basis and without regard to political affiliation.

(b) REPORTS.—

(1) IN GENERAL.—The President of the United States, or the President's delegate, shall provide to the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate reports describing the activities undertaken by the President and the Executive Departments and agencies to prepare for the transfer of power to a new President.

(2) TIMING.—The reports under paragraph (1) shall be provided six months and three months before the date of the general election for the Office of President of the United States.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

Mr. VOINOVICH. Mr. President, every 4 to 8 years our country achieves a feat that is very much the exception to the rule when placed in the context of the long roll of history: through universal suffrage the people select a new president, and the president-elect assumes power in a peaceful manner.

It is a testament to the dedication and professionalism of past presidents, presidents-elect, civil servants and private citizens that this latter task, the presidential transition, is now seen by many Americans as routine; a new president is selected in November, and in January, he or she swaps places with the incumbent president. Life goes on as normal.

Of course, the task of transferring command of an organization with more than 5 million employees and a \$3.7 trillion annual budget is a bit more complex than our recent successful track record may suggest. Domestic and international threats further complicate this process.

Perhaps more than any of its counterparts, the Bush-Obama transition was dealt the longest odds for attaining the uneventful standard our country has come to expect from transfers of power. As my colleagues well know, the Bush-Obama transition was the first of the modern era to occur during wartime, and the first to follow a general election in which the incumbent president or vice-president did not vie for the presidency. The Bush-Obama transition was also the first to occur in the post-September 11th world, and the first since the largest reorganization of government in over 6 decades. As the candidates entered the last week of the campaign season, the second worst month in the history for the Standard & Poor's 500 was drawing to a close after that index had plunged 27 percent in 4 weeks' time.

These challenges would be more than enough for any well-disciplined transition effort to confront. Yet in January

2010, shortly before the anniversary of President Obama's inauguration, the American public learned through press accounts of still another threat confronted by the outgoing and incoming administrations. In the days preceding the Presidential Inauguration, intelligence reports surfaced that al-Shabaab, a Somali terrorist organization with ties to al-Qaeda, was planning an attack on the crowds that would gather to witness the administration of the oath of office to the 44th President of the U.S. The threat was taken so seriously that the Secretary of Defense did not attend the inaugural ceremonies in order to ensure continuity of the Nation's national security apparatus.

Fortunately this plot did not materialize. But threats like these emphasize the importance of a new president being ready to govern from day one.

Despite the challenges faced by the Bush-Obama transition, this most recent transfer of power most closely approached our transition ideal. Both the President and President-elect understood the gravity of the tasks before them, and undertook early and robust planning efforts. President Bush began preparing his administration for the transition earlier than any other presidency when he directed then White House Chief of Staff Joshua Bolten in late 2007 to ensure "that the transition is as effective as possible, especially in the national security area." For his part, President-elect Obama established the largest transition organization to date. At its peak, the Obama-Biden Transition Project's staff numbered 450, with a total budget of more than \$12 million, \$7 million of which came from private contributions.

In many ways, this most recent transition effort was the best case scenario. The transition succeeded because of the character and values of those tasked with leading the effort, individuals like Gail Lovelace, Joshua Bolten, Clay Johnson, John Podesta, and Christopher Lu.

But for critical events like a presidential transition, we cannot always be assured that such productive organizations and working relationships will develop. One need look no further than the acrimonious relationship between the outgoing Clinton administration and the incoming Bush administration, or the internal dissension in President-elect Carter's transition team, to find examples of dysfunctional transitions.

Of course, presidential personalities and uncontrollable circumstances will always be a driving factor in the success of future presidential transitions. But we in Congress can contribute to future successes by providing sufficient assistance and formal avenues to more robust transition planning, and by working to address the stigma that has unfortunately been associated with so-called "presumptuous" transition planning before the general election.

As my colleagues know, the formal mechanisms used by the federal gov-

ernment to transfer power were established in March 1964 with enactment of the Presidential Transition Act, PTA. The Presidential Transition Act of 1963 extends certain government services to the president-elect, including staff salaries, travel expenses, office space, postal reimbursement, and communications equipment. With the exception of substantive amendments in 2000 to provide for a transition directory and activities designed to "acquaint key prospective Presidential appointees with the types of problems and challenges that most typically confront new political appointees," and a provision of the Intelligence Reform and Terrorism Prevention Act of 2004 to provide for expedited security clearances for transition team members and prospective presidential appointees, the architecture our country uses to achieve a successful transition remains largely the same almost a half-century on.

So I am pleased to today join the distinguished junior Senator from Delaware, Senator EDWARD KAUFMAN, in introducing legislation to contribute to the future success of presidential transitions. Prior to returning to the U.S. Senate as a Member, Senator KAUFMAN served as one of the Obama-Biden Transition Project's twelve board members, where he gained first-hand experience in the challenges associated with transitioning the Federal Government.

I am happy to also be joined by two of the U.S. Senate's most ardent champions of good governance: the Chairman and of the Committee on Homeland Security and Governmental Affairs, Senator JOSEPH LIEBERMAN, and my longtime friend and colleague on the Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, Senator DANIEL AKAKA.

The Pre-Election Presidential Transition Act of 2010 would extend to the major party candidates and certain third-party candidates a select list of the services currently provided to the president-elect under the PTA. These benefits include office space, communications services, printing and binding expenses, and briefings and workshops designed to acquaint key potential administration staff with the problems and challenges they are likely to face. The bill would also provide candidates with assistance from the General Services Administration in designing systems architecture compatible with federal systems.

To encourage more deliberate transition preparation in the executive branch, the Pre-Election Presidential Transition Act also authorizes funding for the establishment of a transition coordinating council and an agency transition directors council modeled on the coordinating bodies that functioned so successfully during the Bush-Obama transition. The assistance extended to the candidates by these authorized functions would be provided

on the same terms as those employed during the last transition, on an equal basis and without regard to a candidate's political affiliation. The bill would also require the President, or the President's designee, to report to Congress in presidential election years on the preparations being made to ensure a smooth transition.

We in Congress cannot, and should not, dictate the roles and decision-making processes employed by the outgoing and incoming administrations; as a former mayor and governor, I know how fluid and dynamic transfers of power can be. So I am especially pleased that Senator KAUFMAN's bill is not prescriptive. Rather, the Pre-Election Presidential Transition Act provides assistance that candidates can reject or accept at their discretion, and the authorized activities included in the bill for coordinating bodies in the executive branch respect separation of powers issues by allowing, but not requiring, the use of these best practices.

Perhaps most importantly, the Pre-Election Presidential Transition Act provides valuable transition assistance to candidates at an earlier time than ever before. Regardless of the various unique obstacles a president-elect faces, each transition since the Nixon administration has been provided formal assistance for a very short period of time—76 days during the most recent transition. Of course, candidates can begin preparing for the transition before the general election. But in the home stretch of a presidential election, every spare dollar and body are employed to help the candidate win, and preparing to govern often falls by the wayside.

Senator KAUFMAN's bill will contribute to earlier, more robust transition planning by providing candidates with the means, the architecture, and the sanction associated with an equitable and impartial assistance mechanism to combat unfortunate dispersions of the transition planning process, like the comments directed at then Senator Obama's transition activities during the campaign.

Candidates taking deliberate steps to ensure a smooth transition should not be criticized as presumptuously "measuring the White House drapes" before the election; they should be encouraged and supported. The Pre-Election Presidential Transition Act seeks to achieve that goal.

I urge my colleagues to join in supporting the Pre-Election Presidential Transition Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 478—EX-PRESSING SUPPORT FOR DESIGNATION OF MARCH AS "NATIONAL WHOLE CHILD MONTH"

Mrs. HAGAN submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 478

Whereas each student should be able to enter school healthy and learn about and practice a healthy lifestyle;

Whereas, according to the Institute of Medicine of the National Academies, the percentage of overweight children ages 6 to 11 years has doubled and the number of overweight adolescents has tripled over the last 2 decades;

Whereas each student should be able to learn in an intellectually challenging environment that is physically and emotionally safe;

Whereas according to the Indicators of School Crime and Safety report of 2009, 32 percent of middle and high school students reported being bullied during the 2007 school year;

Whereas each student should be able to be actively engaged in learning and connected to the school and broader community;

Whereas a study on high school student engagement conducted by the Center for Evaluation & Education Policy at the Indiana University School of Education found that half of high school students feel they are an important part of their school community;

Whereas each student deserves access to personalized learning and to be supported by qualified, caring adults;

Whereas the Indiana University study found that more than 20 percent of students reported that there is no adult at their school who cares about them and knows them well;

Whereas each graduate deserves to be challenged academically and prepared for success in college or further study and for employment in a global economy;

Whereas according to the most recently published information from the Condition of Education on the availability of advanced courses in high schools in United States, more than 25 percent of students do not have access to a single advanced course in mathematics, English, science, or foreign language in their high school;

Whereas another student drops out every 9 seconds in the United States;

Whereas the objective of the ASCD whole child approach to education ensures that every child is healthy, safe, engaged, supported, and challenged; and

Whereas March would be an appropriate month to designate as "National Whole Child Month": Now, therefore, be it

Resolved, That the Senate—

(1) supports the designation of March as "National Whole Child Month";

(2) recognizes that ensuring all children are healthy, safe, engaged, supported, and challenged is a national priority; and

(3) encourages parents, educators, and community members to support and provide a whole child approach to education for each student.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3720. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4851, to provide a temporary extension of certain programs, and for other purposes; which was ordered to lie on the table.

SA 3721. Mr. BAUCUS proposed an amendment to the bill H.R. 4851, *supra*.

SA 3722. Mr. BROWN of Ohio (for Mrs. FEINSTEIN) proposed an amendment to the bill S. 1749, to amend title 18, United States Code, to prohibit the possession or use of cell phones and similar wireless devices by Federal prisoners.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. KAUFMAN (for himself, Mr. VOINOVICH, Mr. AKAKA, and Mr. LIEBERMAN):

S. 3196. A bill to amend the Presidential Transition Act of 1963 to provide that certain transition services shall be available to eligible candidates before the general election; to the Committee on Homeland Security and Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. HAGAN:

S. Res. 478. A resolution expressing support for designation of March as "National Whole Child Month"; to the Committee on Health, Education, Labor, and Pensions.

TEXT OF AMENDMENTS

SA 3720. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4851, to provide a temporary extension of certain programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. ____ . POINT OF ORDER ON LEGISLATION THAT IMPOSES A VALUE-ADDED TAX.

(a) IN GENERAL.—It shall not be in order in the Senate to consider any bill, resolution, amendment between Houses, motion, or conference report that would cause the imposition of a value-added tax.

(b) SUPERMAJORITY WAIVER AND APPEAL.—

(1) WAIVER.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEAL.—An affirmative vote of three-fifths of the Members, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SA 3721. Mr. BAUCUS proposed an amendment to the bill H.R. 4851, to provide a temporary extension of certain programs, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Continuing Extension Act of 2010".

SEC. 2. EXTENSION OF UNEMPLOYMENT INSURANCE PROVISIONS.

(a) IN GENERAL.—(1) Section 4007 of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended—

(A) by striking "April 5, 2010" each place it appears and inserting "June 2, 2010";

(B) in the heading for subsection (b)(2), by striking "APRIL 5, 2010" and inserting "JUNE 2, 2010"; and

(C) in subsection (b)(3), by striking "September 4, 2010" and inserting "November 6, 2010".

(2) Section 2002(e) of the Assistance for Unemployed Workers and Struggling Families

Act, as contained in Public Law 111-5 (26 U.S.C. 3304 note; 123 Stat. 438), is amended—

(A) in paragraph (1)(B), by striking "April 5, 2010" and inserting "June 2, 2010";

(B) in the heading for paragraph (2), by striking "APRIL 5, 2010" and inserting "JUNE 2, 2010"; and

(C) in paragraph (3), by striking "October 5, 2010" and inserting "December 7, 2010".

(3) Section 2005 of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111-5 (26 U.S.C. 3304 note; 123 Stat. 444), is amended—

(A) by striking "April 5, 2010" each place it appears and inserting "June 2, 2010"; and

(B) in subsection (c), by striking "September 4, 2010" and inserting "November 6, 2010".

(4) Section 5 of the Unemployment Compensation Extension Act of 2008 (Public Law 110-449; 26 U.S.C. 3304 note) is amended by striking "September 4, 2010" and inserting "November 6, 2010".

(b) FUNDING.—Section 4004(e)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended—

(1) in subparagraph (C), by striking "and" at the end;

(2) by inserting after subparagraph (D) the following new subparagraph:

"(E) the amendments made by section 101(a)(1) of the Continuing Extension Act of 2010; and".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Temporary Extension Act of 2010 (Public Law 111-144).

SEC. 3. EXTENSION AND IMPROVEMENT OF PREMIUM ASSISTANCE FOR COBRA BENEFITS.

(a) EXTENSION OF ELIGIBILITY PERIOD.—Subsection (a)(3)(A) of section 3001 of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), as amended by section 3(a) of the Temporary Extension Act of 2010 (Public Law 111-144), is amended by striking "March 31, 2010" and inserting "May 31, 2010".

(b) RULES RELATING TO 2010 EXTENSION.—Subsection (a) of section 3001 of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), as amended by section 3(b) of the Temporary Extension Act of 2010 (Public Law 111-144), is amended by adding at the end the following:

"(18) RULES RELATED TO APRIL AND MAY 2010 EXTENSION.—In the case of an individual who, with regard to coverage described in paragraph (10)(B), experiences a qualifying event related to a termination of employment on or after April 1, 2010 and prior to the date of the enactment of this paragraph, rules similar to those in paragraphs (4)(A) and (7)(C) shall apply with respect to all continuation coverage, including State continuation coverage programs."

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of section 3001 of division B of the American Recovery and Reinvestment Act of 2009.

SEC. 4. INCREASE IN THE MEDICARE PHYSICIAN PAYMENT UPDATE.

Paragraph (10) of section 1848(d) of the Social Security Act, as added by section 1011(a) of the Department of Defense Appropriations Act, 2010 (Public Law 111-118) and as amended by section 5 of the Temporary Extension Act of 2010 (Public Law 111-144), is amended—

(1) in subparagraph (A), by striking "March 31, 2010" and inserting "May 31, 2010"; and

(2) in subparagraph (B), by striking "April 1, 2010" and inserting "June 1, 2010".

SEC. 5. EHR CLARIFICATION.

(a) QUALIFICATION FOR CLINIC-BASED PHYSICIANS.—

(1) **MEDICARE.**—Section 1848(o)(1)(C)(ii) of the Social Security Act (42 U.S.C. 1395w-4(o)(1)(C)(ii)) is amended by striking “setting (whether inpatient or outpatient)” and inserting “inpatient or emergency room setting”.

(2) **MEDICAID.**—Section 1903(t)(3)(D) of the Social Security Act (42 U.S.C. 1396b(t)(3)(D)) is amended by striking “setting (whether inpatient or outpatient)” and inserting “inpatient or emergency room setting”.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall be effective as if included in the enactment of the HITECH Act (included in the American Recovery and Reinvestment Act of 2009 (Public Law 111-5)).

(c) **IMPLEMENTATION.**—Notwithstanding any other provision of law, the Secretary of Health and Human Services may implement the amendments made by this section by program instruction or otherwise.

SEC. 6. EXTENSION OF USE OF 2009 POVERTY GUIDELINES.

Section 1012 of the Department of Defense Appropriations Act, 2010 (Public Law 111-118), as amended by section 7 of the Temporary Extension Act of 2010 (Public Law 111-144), is amended by striking “March 31, 2010” and inserting “May 31, 2010”.

SEC. 7. EXTENSION OF NATIONAL FLOOD INSURANCE PROGRAM.

(a) **EXTENSION.**—Section 129 of the Continuing Appropriations Resolution, 2010 (Public Law 111-68), as amended by section 8 of Public Law 111-144, is amended by striking “by substituting” and all that follows through the period at the end and inserting “by substituting May 31, 2010, for the date specified in each such section.”.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall be considered to have taken effect on February 28, 2010.

SEC. 8. COMPENSATION AND RATIFICATION OF AUTHORITY RELATED TO LAPSE IN HIGHWAY PROGRAMS.

(a) **COMPENSATION FOR FEDERAL EMPLOYEES.**—Any Federal employees furloughed as a result of the lapse in expenditure authority from the Highway Trust Fund after 11:59 p.m. on February 28, 2010, through March 2, 2010, shall be compensated for the period of that lapse at their standard rates of compensation, as determined under policies established by the Secretary of Transportation.

(b) **RATIFICATION OF ESSENTIAL ACTIONS.**—All actions taken by Federal employees, contractors, and grantees for the purposes of maintaining the essential level of Government operations, services, and activities to protect life and property and to bring about orderly termination of Government functions during the lapse in expenditure authority from the Highway Trust Fund after 11:59 p.m. on February 28, 2010, through March 2, 2010, are hereby ratified and approved if otherwise in accord with the provisions of the Continuing Appropriations Resolution, 2010 (division B of Public Law 111-68).

(c) **FUNDING.**—Funds used by the Secretary to compensate employees described in subsection (a) shall be derived from funds previously authorized out of the Highway Trust Fund and made available or limited to the Department of Transportation by the Consolidated Appropriations Act, 2010 (Public Law 111-117) and shall be subject to the obligation limitations established in such Act.

(d) **EXPENDITURES FROM HIGHWAY TRUST FUND.**—To permit expenditures from the Highway Trust Fund to effectuate the purposes of this section, this section shall be deemed to be a section of the Continuing Appropriations Resolution, 2010 (division B of Public Law 111-68), as in effect on the date of the enactment of the last amendment to such Resolution.

SEC. 9. SATELLITE TELEVISION EXTENSION.

(a) **AMENDMENTS TO SECTION 119 OF TITLE 17, UNITED STATES CODE.**—

(1) **IN GENERAL.**—Section 119 of title 17, United States Code, is amended—

(A) in subsection (c)(1)(E), by striking “April 30, 2010” and inserting “May 31, 2010”; and

(B) in subsection (e), by striking “April 30, 2010” and inserting “May 31, 2010”.

(2) **TERMINATION OF LICENSE.**—Section 1003(a)(2)(A) of Public Law 111-118 is amended by striking “April 30, 2010”, and inserting “May 31, 2010”.

(b) **AMENDMENTS TO COMMUNICATIONS ACT OF 1934.**—Section 325(b) of the Communications Act of 1934 (47 U.S.C. 325(b)) is amended—

(1) in paragraph (2)(C), by striking “April 30, 2010” and inserting “May 31, 2010”; and

(2) in paragraph (3)(C), by striking “May 1, 2010” each place it appears in clauses (ii) and (iii) and inserting “June 1, 2010”.

SEC. 10. DETERMINATION OF BUDGETARY EFFECTS.

(a) **IN GENERAL.**—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

(b) **EMERGENCY DESIGNATION FOR CONGRESSIONAL ENFORCEMENT.**—This Act, with the exception of section 4, is designated as an emergency for purposes of pay-as-you-go principles. In the Senate, this Act is designated as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

(c) **EMERGENCY DESIGNATION FOR STATUTORY PAYGO.**—This Act, with the exception of section 4, is designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139; 2 U.S.C. 933(g)).

SA 3722. Mr. BROWN of Ohio (for Mrs. FEINSTEIN) proposed an amendment to the bill S. 1749, to amend title 18, United States Code, to prohibit the possession or use of cell phones and similar wireless devices by Federal prisoners; as follows:

At the end of the bill, insert the following:

SEC. ____ . GAO STUDY.

Not later than 90 days after the date of enactment of this Act, the Comptroller General shall submit a report to Congress with research and findings on the following issues:

(1) A study of telephone rates within State and Federal prisons and jails to include information on interstate, intrastate and collect calls made by prisoners, including—

(A) the costs of operating inmate telephone services;

(B) the revenue obtained from inmate telephone systems;

(C) how the revenue from these systems is used by State governments and the Bureau of Prisons; and

(D) recommendations to lower telephone costs to inmates and their families, while still maintaining sufficient security.

(2) A study of State and Federal efforts to prevent the smuggling of cell phones and other wireless devices into prisons and jails, including efforts that State and Federal authorities are making to minimize trafficking of cell phones by guards and other prison officials and recommendations to reduce the number of cell phones that are trafficked into prisons and jails.

(3) A study of cell phone use by inmates in State and Federal prisons and jails, including—

(A) the cost that inmates pay for cell phones trafficked into prisons;

(B) the quantity of cell phones that are located in State and Federal prisons and jails; and

(C) the quantity of illegal activity that is conducted or facilitated as a result of inmate cell phone use.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Tuesday, April 20, 2010, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on carbon capture and sequestration legislation, including S. 1856, S. 1134, and other draft legislative text.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510-6150, or by e-mail to Rosemarie_Calabro@energy.senate.gov.

For further information, please contact Allyson Anderson at (202) 224-7143 or Rosemarie Calabro at (202) 224-5039.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. SCHUMER. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Thursday, April 15, 2010, at 10 a.m. to hear testimony on the nomination of Stephen T. Ayers to be Architect of the Capitol for the term of 10 years.

For further information regarding this hearing, please contact Lynden Armstrong at the Rules and Administration Committee on 202-224-6352.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on April 13, 2010, at 2:15 p.m.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled “ESEA Reauthorization: School Turnaround” on April 13, 2010. The hearing will commence at 2 p.m. in room 430 of the Dirksen Senate Office Building.

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

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on April 13, 2010, at 9:30 a.m., to conduct a hearing entitled, "Wall Street and the Financial Crisis: The Role of High Risk Home Loans."

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on April 13, 2010, at 2:30 p.m.

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

SUBCOMMITTEE ON AIRLAND

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Subcommittee on Airland of the Committee on Armed Services be authorized to meet during the session of the Senate on April 13, 2010, at 9:30 a.m.

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

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICE, AND INTERNATIONAL SECURITY

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security be authorized to meet during the session of the Senate on April 13, 2010, at 2:30 p.m. to conduct a hearing entitled, "Removing the Shroud of Secrecy: Making Government More Transparent and Accountable Part II."

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

IMPEACHMENT TRIAL COMMITTEE

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Impeachment Trial Committee on the Articles against Judge G. Thomas Porteous, Jr. be authorized to meet during the session of the Senate on April 13, 2010, at 4 p.m.

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

CELL PHONE CONTRABAND ACT
OF 2010

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 269, S. 1749.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1749) to amend title 18, United States Code, to prohibit the possession or use of cell phones and similar wireless devices by Federal prisoners.

There being no objection, the Senate proceeded to consider the bill which

had been reported from the Committee on the Judiciary with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

S. 1749

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Cell Phone Contraband Act of [2009]2010".

SEC. 2. WIRELESS DEVICES IN PRISON.

Section [1791]1791 of title 18, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (4), by striking "or (d)(1)(E)" and inserting ", (d)(1)(E), or (d)(1)(F)"; and

(B) in paragraph (5), by striking "(d)(1)(F)" and inserting "(d)(1)(G)"; and

(2) in subsection (d)(1)—

(A) in subparagraph (E), by striking "and" at the end;

(B) by redesignating subparagraph (F) as subparagraph (G); and

(C) by inserting after subparagraph (E) the following:

"(F) a phone or other device used by a user of commercial mobile service (as defined in section 332(d) of the Communications Act of 1934 (47 U.S.C. 332(d))) in connection with such service; and";

Mr. BROWN of Ohio. I ask unanimous consent the committee-reported amendments be agreed to, that the Feinstein amendment which is at the desk be agreed to, the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

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

The committee amendments were agreed to.

The amendment (No. 3722) was agreed to, as follows:

(Purpose: To require a GAO study of cell phone use in prisons)

At the end of the bill, insert the following:

SEC. ____ . GAO STUDY.

Not later than 90 days after the date of enactment of this Act, the Comptroller General shall submit a report to Congress with research and findings on the following issues:

(1) A study of telephone rates within State and Federal prisons and jails to include information on interstate, intrastate and collect calls made by prisoners, including—

(A) the costs of operating inmate telephone services;

(B) the revenue obtained from inmate telephone systems;

(C) how the revenue from these systems is used by State governments and the Bureau of Prisons; and

(D) recommendations to lower telephone costs to inmates and their families, while still maintaining sufficient security.

(2) A study of State and Federal efforts to prevent the smuggling of cell phones and other wireless devices into prisons and jails, including efforts that State and Federal authorities are making to minimize trafficking of cell phones by guards and other prison officials and recommendations to reduce the number of cell phones that are trafficked into prisons and jails.

(3) A study of cell phone use by inmates in State and Federal prisons and jails, including—

(A) the cost that inmates pay for cell phones trafficked into prisons;

(B) the quantity of cell phones that are located in State and Federal prisons and jails; and

(C) the quantity of illegal activity that is conducted or facilitated as a result of inmate cell phone use.

The bill (S. 1749), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1749

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Cell Phone Contraband Act of 2010".

SEC. 2. WIRELESS DEVICES IN PRISON.

Section 1791 of title 18, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (4), by striking "or (d)(1)(E)" and inserting ", (d)(1)(E), or (d)(1)(F)"; and

(B) in paragraph (5), by striking "(d)(1)(F)" and inserting "(d)(1)(G)"; and

(2) in subsection (d)(1)—

(A) in subparagraph (E), by striking "and" at the end;

(B) by redesignating subparagraph (F) as subparagraph (G); and

(C) by inserting after subparagraph (E) the following:

"(F) a phone or other device used by a user of commercial mobile service (as defined in section 332(d) of the Communications Act of 1934 (47 U.S.C. 332(d))) in connection with such service; and";

SEC. 3. GAO STUDY.

Not later than 90 days after the date of enactment of this Act, the Comptroller General shall submit a report to Congress with research and findings on the following issues:

(1) A study of telephone rates within State and Federal prisons and jails to include information on interstate, intrastate and collect calls made by prisoners, including—

(A) the costs of operating inmate telephone services;

(B) the revenue obtained from inmate telephone systems;

(C) how the revenue from these systems is used by State governments and the Bureau of Prisons; and

(D) recommendations to lower telephone costs to inmates and their families, while still maintaining sufficient security.

(2) A study of State and Federal efforts to prevent the smuggling of cell phones and other wireless devices into prisons and jails, including efforts that State and Federal authorities are making to minimize trafficking of cell phones by guards and other prison officials and recommendations to reduce the number of cell phones that are trafficked into prisons and jails.

(3) A study of cell phone use by inmates in State and Federal prisons and jails, including—

(A) the cost that inmates pay for cell phones trafficked into prisons;

(B) the quantity of cell phones that are located in State and Federal prisons and jails; and

(C) the quantity of illegal activity that is conducted or facilitated as a result of inmate cell phone use.

CALL TO UGANDA TO REJECT THE
PROPOSED ANTI-HOMOSEX-
UALITY BILL

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 344, S. Res. 409.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 409) calling on members of the Parliament in Uganda to reject the proposed "Anti-Homosexuality Bill," and for other purposes.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROWN of Ohio. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

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

The resolution (S. Res. 409) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 409

Whereas a bill introduced on October 14, 2009, by a member of Parliament in Uganda would expand penalties for homosexuality to include the death penalty and requires citizens to report information about homosexuality to the police or face imprisonment;

Whereas many countries criminalize homosexuality, and in some countries, such as Iran, Nigeria, Saudi Arabia, and Sudan, the penalty for homosexuality includes the death penalty;

Whereas the United States, in seeking to promote the core American principles of equality and "Life, Liberty, and the pursuit of Happiness," has long championed the universality of human rights;

Whereas religious leaders in the United States, along with representatives from the Vatican and the Anglican Church, have stated that laws criminalizing homosexuality are unjust; and

Whereas the people and Government of the United States recognize that such laws un-

dermine our commitment to combating HIV/AIDS globally through the President's Emergency Plan for AIDS Relief (PEPFAR) by stigmatizing and criminalizing vulnerable communities: Now, therefore, be it

Resolved, That the Senate—

(1) calls on members of the Parliament in Uganda to reject the "Anti-Homosexuality Bill" recently proposed in that country;

(2) urges the governments of all countries to reject and repeal similar criminalization laws; and

(3) encourages the Secretary of State to closely monitor human rights abuses that occur because of sexual orientation and to encourage the repeal or reform of laws such as the proposed "Anti-Homosexuality Bill" in Uganda that permit such abuses.

ORDERS FOR WEDNESDAY, APRIL
14, 2010

Mr. BROWN of Ohio. I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. Wednesday, April 14; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then observe a moment of silence in solidarity with the people of Poland; that following the moment of silence, the Senate proceed to a period of morning business with Senators permitted to speak on the topic of Poland; that following those statements, there be a period of morning business for 1 hour with Senators permitted to speak therein for up to 10 minutes each, with the Republicans controlling the first 30 minutes and the majority controlling the final 30 minutes; that following morning business, the Senate resume consideration of H.R. 4851, the Continuing Extension Act, as provided for under the previous order.

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

Mr. BROWN of Ohio. Before finalizing the end of the day, I would add that in support of this resolution we will discuss tomorrow, in 1991, working for

Ohio State University, I spent some time in Poland working with their government to transition from communism to democracy. And my friend Tomaz, who is a Polish academician, later rose to be the Minister of Culture in Poland. He was on that plane. I miss him. I had not seen him in years. But I miss him and the contribution he made to Poland and to our country in the work we did together on cultural issues, and certainly support this moment of silence and ask that we all remember the terrible thing that happened to so many of the leaders in Poland and what that means for how we have to come together and assist that country as it moves forward in another crisis that the great 38 million people of Poland face day after day.

PROGRAM

Mr. BROWN of Ohio. Mr. President, when the Senate convenes tomorrow, we will observe a moment of silence to express the Senate's solidarity with the people of Poland.

Following morning business, the Senate will resume consideration of the Continuing Extensions Act. Under a previous order, if a point of order is raised against the pending Baucus amendment, then at 12:30 p.m. the Senate will proceed to a rollcall vote on the motion to waive the applicable point of order.

ADJOURNMENT UNTIL 9:30 A.M.
TOMORROW

Mr. BROWN of Ohio. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:12 p.m., adjourned until Wednesday, April 14, 2010, at 9:30 a.m.