

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 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. Borrás was never directly responsible for the Commerce Department budget. He was just one of those who worked at the Department.

Additionally, Mr. Borrás 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. Borrás 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. Borrás'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. Borrás'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. Borrás'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. Borrás 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. Borrás'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. Borrás 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. Borrás 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. Borrás'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. Borrás'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. Borrás 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