

this—under the leadership of the Bush administration and Fed Chairman Bernanke, the largest financial institutions since the bailout have not gotten smaller; in fact, they have become larger.

In 2008, the Bank of America, the largest commercial bank in the country, which received a \$45 billion taxpayer bailout, purchased Countrywide, the largest mortgage lender in the country, and Merrill Lynch, the largest brokerage firm. In other words, what we are seeing in at least three out of the four largest banks is, since the bailout, they have become even larger, becoming an even greater threat to the financial stability of the country if, once again, they are ever in a position to fail.

The issue of large banks is not only that they are a threat to the stability of our economy, if they are about to fail. The other aspect of the problem is the concentration of ownership that currently exists. When we have four large financial institutions that issue two-thirds of the credit cards in the country and half the mortgages, we have a very dangerous and noncompetitive type of situation. Given the fact that we have seen these financial institutions issue esoteric and not understandable financial instruments whose only goal is to secure more money and profits and compensation packages for the CEOs of these institutions, we need to start breaking them up and have financial institutions that understand that their role is to provide credit to the productive economy, the businesses that actually produce real products, provide real services, and create real jobs. In other words, we need to break them up to create a new Wall Street which becomes part of the United States, part of our economy, not an isolated island whose only goal in life is to issue worthless financial instruments in order to make outrageous short-term profits. That is a huge issue that we have to deal with.

If my Republican colleagues are, in fact, sincere, if they want to do more than follow pollster Frank Luntz's playbook and throw out certain words they think will work for them politically, I look forward to their support for real financial reform.

The Bottom line is, we cannot continue to do what we have done for a number of years. We have to summon the courage, and it will take courage because Wall Street is enormously powerful. In order to get the deregulation that led us to the financial disaster we experienced a year and a half ago, over a 10-year period, Wall Street spent the unbelievable sum of money of \$5 billion on campaign contributions and lobbying. Frankly, I don't even know how one can spend that kind of money. But nonetheless, it certainly worked. Against my vote, when I was in the House, they got the deregulation they wanted. Lo and behold, once they were deregulated, not to my surprise, they went out and did all kinds of

strange things, reckless things, illegal things, which brought us to where we were a year and a half ago.

What we need is real financial reform. We need a cap on interest rates so Wall Street cannot continue to rip off ordinary Americans. We need transparency at the Fed. We need to know which financial institutions are receiving trillions of dollars of taxpayer money. We need to begin the process of breaking up these huge financial institutions, not only from a too-big-to-fail concern but also from a concentration of ownership issue because we are going to need a lot more competition in the financial industry than we have now.

We will find out soon enough whether our Republican friends are doing more than reading from a pollster's playbook or whether they are serious about taking on Wall Street. I have my doubts, but I hope I am wrong. I hope we will gain their support in bringing real reform to our financial institutions.

I yield the floor and 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. DURBIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### CONTINUING EXTENSION ACT OF 2010—Continued

Mr. DURBIN. Madam President, for those who are following the Senate activities today, we are considering the extension of unemployment benefits. It is a debate which has gone on repeatedly. I see the chairman of the Senate Finance Committee has come to the Chamber and has been sitting patiently on the floor trying to work this through, and I think we may be close to a vote on this matter very shortly.

If I am not mistaken, if we are successful in passing this extension, it will extend unemployment benefits to the end of May. I hope we do not face this again between now and then because not only does it tie up the Senate for a lengthy period of time, but it creates real uncertainty across America.

Madam President, 212,000 people had their unemployment benefits cut off in the United States last week because we were gone and the benefits expired; so this week another 212,000 people. In my home State of Illinois, 16,000 people a week lose their unemployment benefits because of the decision by the Senate not to move forward and extend those unemployment checks.

An unemployment check in my home State is about \$300 a week. Some have come to the floor and argued we should not give unemployment benefits because it makes people lazy. If they are getting \$300 a week, they will not go looking for jobs. I wonder when it was, if ever, that a Senator tried to live on

\$300 a week. I think it would be very difficult, in most cases impossible, for those who are used to a lifestyle that is much more expensive.

So extending these benefits, in my estimation, is not only humane, it is good economic judgment. The money given to people out of work is money that is spent immediately for the necessities of life. It is not saved or invested. They go out and spend it on what they need, whether it is on utility bills or rent or food or clothing—whatever it might be. So it is money that is injected straight into the economy.

When Republicans come to the floor, they say: Wait a minute. At some point, with our national debt, we have to pay for this. I say to them: How would you pay for it? They say: We pay for it by cutting spending on projects that create jobs. Wait a minute. If you cut spending on projects that create jobs, there are more people unemployed. More people unemployed need more benefits. We cannot end the recession until we focus on getting people back to work.

One of the key areas Senator BAUCUS on the Senate Finance Committee has worked on is putting money into small businesses across America. Many of us believe small businesses are going to be the engine that brings us out of this recession. So when Senator BAUCUS and the Finance Committee create tax credits for businesses that hire the unemployed or reduce their payroll taxes for those who hire the unemployed or have new deductions for expensing and the purchase of capital equipment, we are doing everything we can to put money into those small businesses. The argument that we should stop spending on those things will mean the recession goes on longer.

I hope we can reach a point soon where we put the question of unemployment behind us. There should be a debate on the national debt, and there will be. I do not know if it is a great honor, but Senator REID, the majority leader, has appointed me to the Deficit Commission. I met today with Erskine Bowles, who was the head of the Small Business Administration under President Clinton, as well as Alan Simpson, a former U.S. Senator from Wyoming, who chair this commission.

We are going to start, in a couple weeks, our inquiry and debate on what to do about our national debt. It is one that is long overdue. But I think if we are honest about this, we realize it will take some thoughtful consideration and some time to come up with an approach that really deals with the debt in a humane and sensible way, but does not stop our recovery in this recession. So we are tasked with doing that.

Senator BAUCUS is a member of that commission as well. We will spend some time together talking about it, I am sure. We have to report by the end of the year. In the meantime, we will be watching the appropriations bills that come through here to cut the waste out of the spending if there is

some in some of these agencies. And I am sure we can find some.

In the meantime, let's not make the unemployed across America the victims of this debate. Let us give them some certainty that the basics, the necessities of life, which they need because they have lost a job through no fault of their own, are going to be provided for. We want to make certain if they lost their lifesavings and stand to lose their home, we give them at least a little bit of a helping hand while they look for work.

In my home State of Illinois, the unemployment figures came out today, and, sadly, they have not gone down. It tells me we were late to the recession and we will probably be slow to the recovery. I am sorry to report that, but I think it may be the case. But, in the meantime, we have to create the climate for small business expansion, and we have to create the safety net for those who are out of work across America. The passage of this bill will help us to do that.

Madam President, I yield the floor.

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.

The PRESIDING OFFICER. The majority leader.

Mr. REID. 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. REID. Madam President, first, I wish to express my appreciation to everyone in the Senate. This has been a good debate. Sides have been chosen, and I think the arguments were good on both sides. We had amendments on this. There were efforts made to just move forward and have a cloture vote on it. I thought this was the best way to go.

So I appreciate everyone's cooperation. We didn't want to take these votes, but we took them, and I think it is better for the order.

Madam President, I ask unanimous consent that at 5 p.m. today, the Senate proceed to vote in relation to the McCain amendment No. 3724; that upon disposition of the McCain amendment, no further amendments be in order; that the Senate then proceed to vote on the motion to invoke cloture on the Baucus amendment No. 3721, as modified; that if cloture is invoked, then all postcloture time be yielded back; the Baucus amendment as modified and amended, if amended, be agreed to; the bill then be read a third time; and following the reading of the pay-go letter from the chairman of the Budget Committee, the cloture motion with respect to the bill be withdrawn, the Senate then proceed to vote on passage of the bill, as amended, and that 2 minutes prior to the first vote be equally divided and controlled between Senators BAUCUS and MCCAIN.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.  
The Senator from Arizona.

#### AMENDMENT NO. 3724, AS MODIFIED

Mr. MCCAIN. Madam President, it is tax day. Americans are overburdened and taxed by an antiquated, complex, and oversized Tax Code. This year they will spend \$100 billion in compliance-related expenses. Instead of offering proposals to reform the system, some are suggesting a new value-added tax which would increase taxes on average Americans and even further complicate our Tax Code. I believe it is an opportunity, with a sense-of-the-Senate resolution, for Members of Congress to say where they stand. This is their opportunity.

I encourage my colleagues to support the amendment.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, the amendment by the Senator from Arizona would state a sense of the Senate that we should not adopt a value-added tax. Personally, I agree with him. I do not favor a value-added tax. I, for one, would be happy to accept the amendment. I don't know if the Senator from Arizona wants a rollcall vote. I don't know if it is provided for. I hope we don't have to have one, but if he wants one, that is fine with me. The order states we will start voting at 5 o'clock, and when we do get to the vote on the McCain amendment, I intend to vote for it.

The PRESIDING OFFICER. Is all time yielded back?

Mr. BAUCUS. I yield back my time.

The PRESIDING OFFICER. The yeas and nays have been ordered.

The question is on agreeing to the amendment.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Florida (Mr. NELSON) and the Senator from Virginia (Mr. WARNER) are necessarily absent.

I further announce that, if present and voting, the Senator from Florida (Mr. NELSON) would vote "yea."

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

The result was announced—yeas 85, nays 13, as follows:

[Rollcall Vote No. 115 Leg.]

#### YEAS—85

Alexander	Collins	Hutchison
Barrasso	Conrad	Inhofe
Baucus	Corker	Inouye
Bayh	Cornyn	Isakson
Begich	Crapo	Johanns
Bennet	DeMint	Johnson
Bennett	Dodd	Kerry
Bond	Durbin	Klobuchar
Boxer	Ensign	Kohl
Brown (MA)	Enzi	Kyl
Brownback	Feingold	Landrieu
Bunning	Feinstein	Lautenberg
Burr	Franken	Leahy
Burris	Gillibrand	LeMieux
Cantwell	Graham	Lieberman
Carper	Grassley	Lincoln
Casey	Gregg	Lugar
Chambliss	Hagan	McCain
Coburn	Harkin	McCaskill
Cochran	Hatch	McConnell

Menendez	Roberts	Stabenow
Merkley	Rockefeller	Tester
Mikulski	Sanders	Thune
Murkowski	Schumer	Udall (CO)
Murray	Sessions	Vitter
Nelson (NE)	Shaheen	Wicker
Pryor	Shelby	Wyden
Reid	Snowe	
Risch	Specter	

#### NAYS—13

Akaka	Dorgan	Voinovich
Bingaman	Kaufman	Webb
Brown (OH)	Levin	Whitehouse
Byrd	Reed	
Cardin	Udall (NM)	

#### NOT VOTING—2

Nelson (FL)	Warner
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The amendment (No. 3724), as modified, was agreed to.

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

The motion to lay on the table was agreed to.

Mr. BAUCUS. Madam President, I ask consent that the next two votes be 10-minute votes.

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

#### CLOTURE MOTION

The PRESIDING OFFICER. By unanimous consent, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the Baucus substitute amendment No. 3721 to H.R. 4851, a bill to provide a temporary extension of certain programs, and for other purposes:

John D. Rockefeller IV, Benjamin L. Cardin, Jeanne Shaheen, Al Franken, Daniel K. Akaka, Kent Conrad, Sheldon Whitehouse, Patty Murray, Tom Udall, Bernard Sanders, Richard Durbin, Ron Wyden, Robert P. Casey, Jr., Edward E. Kaufman, Patrick J. Leahy, Mark L. Pryor, Byron L. Dorgan.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on amendment No. 3721, as modified, offered by the Senator from Montana, Mr. BAUCUS, to H.R. 4851, an act to provide a temporary extension of certain programs, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Florida (Mr. NELSON) and the Senator from Virginia (Mr. WARNER) are necessarily absent.

I further announce that, if present and voting, the Senator from Florida (Mr. NELSON) would vote "yea."

The yeas and nays resulted—yeas 60, nays 38, as follows:

[Rollcall Vote No. 116 Leg.]

## YEAS—60

Akaka	Feinstein	Mikulski
Baucus	Franken	Murray
Bayh	Gillibrand	Nelson (NE)
Begich	Hagan	Pryor
Bennet	Harkin	Reed
Bingaman	Inouye	Reid
Boxer	Johnson	Rockefeller
Brown (OH)	Kaufman	Sanders
Burr	Kerry	Schumer
Byrd	Klobuchar	Shaheen
Cantwell	Kohl	Snowe
Cardin	Landrieu	Specter
Carper	Lautenberg	Stabenow
Casey	Leahy	Tester
Collins	Levin	Udall (CO)
Conrad	Lieberman	Udall (NM)
Dodd	Lincoln	Voinovich
Dorgan	McCaskill	Webb
Durbin	Menendez	Whitehouse
Feingold	Merkley	Wyden

## NAYS—38

Alexander	Corker	Inhofe
Barrasso	Cornyn	Isakson
Bennett	Crapo	Johanns
Bond	DeMint	Kyl
Brown (MA)	Ensign	LeMieux
Brownback	Enzi	Lugar
Bunning	Graham	McCain
Burr	Grassley	McConnell
Chambliss	Gregg	Murkowski
Coburn	Hatch	Risch
Cochran	Hutchison	

Roberts  
SessionsShelby  
ThuneVitter  
Wicker

## NOT VOTING—2

Nelson (FL)

Warner

The PRESIDING OFFICER. On this vote, the yeas are 60, the nays are 38. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Under the previous order, the amendment, as modified, is agreed to.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The clerk will read the letter from the chairman of the Budget Committee.

The legislative clerk read the following letter:

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

BUDGETARY EFFECTS OF PAYGO LEGISLATION  
FOR H.R. 4851

Senator Kent Conrad, Apr. 15, 2010

Mr. CONRAD: This is the Statement of Budgetary Effects of PAYGO Legislation for H.R. 4851, as amended by S.A. 3721, as modi-

fied. This statement has been prepared pursuant to Section 4 of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139), and is being submitted for printing in the Congressional Record prior to passage of H.R. 4851, as amended, by the Senate.

Total Budgetary Effects of H.R. 4851:  
2010-2015—net increase in deficit of \$18.192 billion.

2010-2020—net increase in deficit of \$18.229 billion.

Reduction of Total Budgetary Effects for Current Policy under Section 7:

2010-2015—\$2.115 billion pursuant to section 7(c).

2010-2020—\$2.115 billion pursuant to section 7(c).

Reduction of Total Budgetary Effects for Provisions Designated as an Emergency under Section 4(g):

2010-2015—\$16.077 billion.

2010-2020—\$16.114 billion.

Total Budgetary Effects of H.R. 4851 for the 5-year Statutory PAYGO Scorecard: \$0.

Total Budgetary Effects of H.R. 4851 for the 10-year Statutory PAYGO Scorecard: \$0.

Also submitted for the RECORD as part of this statement is a table prepared by the Congressional Budget Office, which provides additional information on the budgetary effects of this Act.

## AMENDMENT NO. 3721, AS MODIFIED, TO H.R. 4851, THE CONTINUING EXTENSION ACT OF 2010, AS PROPOSED BY SENATOR BAUCUS (MAT10352)

By fiscal year, in millions of dollars—

	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2015-2015	2010-2020
NET INCREASE OR DECREASE (—) IN THE DEFICIT													
Total Changes .....	15,629	1,870	262	225	143	61	52	—10	—5	0	0	18,192	18,229
Less:													
Designated as Emergency Requirements <sup>a</sup> .....	13,514	1,870	262	225	143	61	52	—10	—5	0	0	16,077	16,114
Current-Policy Adjustment <sup>b</sup> .....	2,115	0	0	0	0	0	0	0	0	0	0	2,115	2,115
Statutory Pay-As-You-Go Impact .....	0	0	0	0	0	0	0	0	0	0	0	0	0
Memorandum: Components of the Emergency Designations:													
Change in Outlays .....	12,222	1,069	26	5	0	0	0	0	0	0	0	13,324	13,324
Changes in Revenues .....	—1,292	—801	—236	—220	—143	—61	—52	10	5	0	0	—2,753	—2,790

Notes: Components may not sum to totals because of rounding.

<sup>a</sup> Section 11(c) of the Continuing Extension Act of 2010 would designate all sections of the Act, except section 4, as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010.

<sup>b</sup> Section 7(c) of the Statutory Pay-As-You-Go Act of 2010 provides for current-policy adjustments related to Medicare payments to physicians.

Sources: Congressional Budget Office and Joint Committee on Taxation.

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

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

Under the previous order, the cloture motion on the bill is withdrawn.

The bill having been read the third time, the question is, Shall the bill pass? The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Florida (Mr. NELSON), and the Senator from Virginia (Mr. WARNER) are necessarily absent.

I further announce that, if present and voting, the Senator from Florida (Mr. NELSON) would vote “aye.”

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

The result was announced—yeas 59, nays 38, as follows:

[Rollcall Vote No. 117 Leg.]

## YEAS—59

Akaka	Boxer	Cardin
Baucus	Brown (OH)	Carper
Begich	Burr	Casey
Bennet	Byrd	Collins
Bingaman	Cantwell	Conrad

Dodd	Landrieu	Rockefeller
Dorgan	Lautenberg	Sanders
Durbin	Leahy	Schumer
Feingold	Levin	Shaheen
Feinstein	Lieberman	Snowe
Franken	Lincoln	Specter
Gillibrand	McCaskill	Stabenow
Hagan	Menendez	Tester
Harkin	Merkley	Udall (CO)
Inouye	Mikulski	Udall (NM)
Johnson	Murray	Voinovich
Kaufman	Nelson (NE)	Webb
Kerry	Pryor	Whitehouse
Klobuchar	Reed	Wyden
Kohl	Reid	

## NAYS—38

Alexander	Crapo	LeMieux
Barrasso	DeMint	Lugar
Bennett	Ensign	McCain
Bond	Enzi	McConnell
Brown (MA)	Graham	Murkowski
Brownback	Grassley	Risch
Bunning	Gregg	Roberts
Burr	Hatch	Sessions
Chambliss	Hutchison	Shelby
Coburn	Inhofe	Thune
Cochran	Isakson	Vitter
Corker	Johanns	Wicker
Cornyn	Kyl	

## NOT VOTING—3

Bayh

Nelson (FL)

Warner

The bill (H.R. 4851), as amended, was passed, as follows:

## H.R. 4851

Resolved, That the bill from the House of Representatives (H.R. 4851) entitled “An Act to provide a temporary extension of certain

programs, and for other purposes.”, do pass with the following amendment:

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 2(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. EXTENSION OF SMALL BUSINESS LOAN GUARANTEE PROGRAM.

(a) APPROPRIATION.—There is appropriated, out of any funds in the Treasury not otherwise

appropriated, \$80,000,000, for an additional amount for “Small Business Administration—Business Loans Program Account”, to remain available until expended, for the cost of fee reductions and eliminations under section 501 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 151) and loan guarantees under section 502 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 152), as amended by this section: Provided, That such costs shall be as defined in section 502 of the Congressional Budget Act of 1974.

(b) EXTENSION OF SUNSET DATE.—Section 502(f) of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 153) is amended by striking “April 30, 2010” and inserting “May 31, 2010”.

### SEC. 11. SENSE OF THE SENATE REGARDING A VALUE ADDED TAX.

It is the sense of the Senate that the Value Added Tax is a massive tax increase that will cripple families on fixed income and only further push back America's economic recovery and the Senate opposes a Value Added Tax.

### SEC. 12. 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. LEVIN. Mr. President, it is unfortunate that this vote comes today and not 2 weeks ago. While we delayed taking action, thousands of people in my state, and millions across the country, worried that these benefits, benefits that provide a thin buffer between their families and disaster, would disappear. These families are suffering through the anxiety and frustration of job loss not because of anything they did, but because of a crisis spawned in Wall Street banks and unscrupulous mortgage companies.

This bill takes a number of important steps to alleviate the effects of the financial crisis. It would extend the unemployment and COBRA health insurance benefits on which so many families depend until early June. While we have seen recent signs of improvement in employment, the unemployment rate in Michigan, and the Nation, remains unacceptably high, making these extensions all the more necessary. According to the governor's office, more than 125,000 Michiganders will exhaust their unemployment benefits.

We should keep in mind, too, that extending these benefits not only helps families struggling to put food on the table and a roof overhead; it helps all

of us, by contributing to our economic recovery. There is widespread agreement that benefits such as unemployment payments give us the biggest “bang for the buck” in terms of economic stimulus. By extending these benefits, we will give continued support to an economy struggling to recover, an effort that benefits all Americans.

I encourage my colleagues to place the interests of struggling American families, and the economic recovery, clearly before us, and to pass this much-needed extension.

#### EXECUTIVE SESSION

##### NOMINATION OF LAEL BRAINARD, TO BE AN UNDER SECRETARY OF THE TREASURY

##### NOMINATION OF MARISA J. DEMEO, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

##### NOMINATION OF CHRISTOPHER H. SCHROEDER, TO BE AN ASSISTANT ATTORNEY GENERAL

##### NOMINATION OF THOMAS I. VANASKIE, TO BE UNITED STATES CIRCUIT JUDGE FOR THE THIRD CIRCUIT

##### NOMINATION OF DENNY CHIN, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SECOND CIRCUIT

Mr. REID. Mr. President, I now ask unanimous consent the Senate proceed to executive session and that it be in order to file cloture on the following nominations in the order listed: Calendar Nos. 644, 165, 699, 578, and 607.

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

Mr. REID. I ask unanimous consent that the cloture vote on Calendar No. 644 occur at 5:30 p.m., on Monday, April 19.

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

#### CLOTURE MOTIONS

The PRESIDING OFFICER. The cloture motions having been presented under rule XXII, the clerk will report the motions.

The legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Lael Brainard, of the District of Columbia, to be an Under Secretary of the Treasury.

Harry Reid, Patrick J. Leahy, Sheldon Whitehouse, Joseph I. Lieberman, Sherrod Brown, Richard Durbin, Daniel K. Inouye, Tom Harkin, Amy Klobuchar, Roland W. Burris, John D. Rockefeller, IV, Jon Tester, Chris-

topher J. Dodd, Byron L. Dorgan, Al Franken, Claire McCaskill, Benjamin L. Cardin.

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Marisa J. Demeo, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia.

Harry Reid, Patrick J. Leahy, Sheldon Whitehouse, Joseph I. Lieberman, Sherrod Brown, Richard J. Durbin, Daniel K. Inouye, Patty Murray, Tom Harkin, Amy Klobuchar, Roland W. Burris, John D. Rockefeller, IV, Jon Tester, Christopher J. Dodd, Byron L. Dorgan, Al Franken, Claire McCaskill, Benjamin L. Cardin.

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Christopher H. Schroeder, of North Carolina, to be an Assistant Attorney General.

Harry Reid, Herb Kohl, Sheldon Whitehouse, Richard J. Durbin, Benjamin L. Cardin, Patty Murray, Mark Begich, Kirsten E. Gillibrand, Mark R. Warner, Russell D. Feingold, Al Franken, Roland W. Burris, Dianne Feinstein, Patrick J. Leahy, Barbara Boxer, Charles E. Schumer, Edward E. Kaufman.

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Thomas I. Vanaskie, of Pennsylvania, to be United States Circuit Judge for the Third Circuit.

Harry Reid, Patrick J. Leahy, Jack Reed, Russell D. Feingold, Kirsten E. Gillibrand, Daniel K. Inouye, Arlen Specter, Benjamin L. Cardin, Bernard Sanders, Robert P. Casey, Jr., Richard J. Durbin, Al Franken, Roland W. Burris, Sheldon Whitehouse, Christopher J. Dodd, Dianne Feinstein, Daniel K. Akaka.

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Denny Chin, of New York, to be United States Circuit Judge for the Second Circuit.

Harry Reid, Patrick J. Leahy, Jack Reed, Russell D. Feingold, Kirsten E. Gillibrand, Daniel K. Inouye, Benjamin L. Cardin, Bernard Sanders, Robert P. Casey, Jr., Roland W. Burris, Richard J. Durbin, Al Franken, Charles E. Schumer, Sheldon Whitehouse, Christopher J. Dodd, Dianne Feinstein, Daniel K. Akaka.

#### LEGISLATIVE SESSION

Mr. REID. I now ask unanimous consent that the Senate resume legislative session.

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

#### MORNING BUSINESS

Mr. REID. I ask unanimous consent that the Senate proceed to a period of morning business, with Senators per-

mitted to speak therein for up to 10 minutes each.

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 legislative clerk proceeded to call the roll.

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

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

#### MIDDLE-CLASS TAX RELIEF

Mr. BROWN of Ohio. Mr. President, the middle class is the backbone of our Nation. Middle-class families sustain our neighborhoods and our economy and support our public services such as our schools and police and fire departments and libraries.

Over the last 2 weeks—last week and the week before—I traveled extensively across Ohio and met with Ohioans who define the character of the American middle class.

College students at the University of Toledo described their hopes and aspirations to become our next educators and entrepreneurs, community and business leaders, and civic activists.

Workers at the 60-year-old General Motors plant in Defiance, near the Indiana border, described how they are ready to build the next generation car engines and rebuild the middle-class communities in which they work and live.

In Cincinnati, workers at GE's historic Evendale plant—a Cincinnati suburb—represent the classic American success story: people working hard, getting ahead, getting paid an honest day's wage for an honest day's work.

I met with veterans. Chairman AKAKA allowed me to set up, in Cambridge, OH—in eastern rural Appalachian Ohio—a Veterans' Committee hearing. I met with other veterans in the Chillicothe VA Center and the Cincinnati VA Center—two terrific VA facilities—to meet with and talk to and understand better the services for veterans who return from war and who represent those values of hard work and fair play.

Too many middle-class families in the Presiding Officer's State—whether it is Joliet, IL—or Mansfield, OH, too many middle-class families are still fighting to have something to show for it. They are fighting for a secure job with decent wages, a home with an affordable mortgage, and the belief that their children will have a future full of opportunity and stay close by and raise their children so they can know their grandparents.

Tax day is today, April 15, and many middle-class Americans are just trying to get by while our economy begins to recover. That is why when President Obama and this Congress—the Senate and the House—enacted the American